THE

CODE OF REGULATIONS

FOR THE INTERNAL GOVERNMENT

OF THE

Madras Territories.

A NEW ABRIDGED EDITION

OF THE

CODE OF REGULATIONS

FOR THE INTERNAL GOVERNMENT

OF THE

Madras Territories,

FROM A. D. 1802, TO A. D. 1829 INCLUSIVE

WITH AN INDEX ANNEXED.

BY

A. D. CAMPBELL, ESQRE.

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OF

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TITLES OF THE REGULATIONS

PASSED IN THE YEAR

1811.

* REGULATION

I.

Page

A REGULATION, *for providing a quarterly jail delivery in the zillahs of Masulipatam, Chittoor, Trichinopoly, and North Malabar* 1

II.

A REGULATION, *for explaining, and amending, in certain cases, the rules of process to be observed by the civil courts of judicature; and for amending the rule contained in Clause fourth, Section IV, Regulation V, A. D. 1803* 3

III.

A REGULATION, *for extending to the commercial residents, their deputies, and assistants, the privilege of trading on their own account.—Omitted. The commercial agencies having been abolished, with a single exception* 18

IV.

A REGULATION, for explaining and amending the existing rules of criminal process; and for defining, in certain cases, the powers and duties of the zillah magistrates, and of their assistants, of the courts of circuit, and of the court of foujdarry adawlut.—Rescinded by A. D. 1816, Regulation IX 18

The titles of the Regulations rescinded are printed in a different type from the others.

V.

A REGULATION, for modifying parts of the rules in force, respecting the appointment and removal of the native officers of government, in the judicial, revenue, and commercial departments.—Rescinded by A. D. 1822, Regulation VII.....

VI.

A REGULATION, *to provide more effectually for the punishment of perjury, subornation of perjury, and forgery; and to alter the provisions in force, for the payment of a fixed reward on the conviction of public offenders*.....

VII.

A REGULATION, *for regulating the revenue derivable from the monopoly or exclusive sale of tobacco, in the provinces of Malabar and Canara*.....

VIII.

A REGULATION, *for extending to the province of Coimbatore, the monopoly or exclusive sale of tobacco, established in the provinces of Malabar and Canara*.....

1812.

I.

A REGULATION, *for rescinding Regulation XII, A. D.* 1803, *also Sections IX, X, XI, XII, XIII and XIV of Regulation XV, A. D.* 1808, *and in lieu of the duty therein prescribed, providing for the collection of a general inland duty on certain articles of merchandize imported by land from foreign states, or passing through, or sold within, the territories subject to this*

Page.

presidency; for determining the amount of the duty, and defining the rules under which it shall be collected 36

II.

A REGULATION, *for modifying certain parts of the existing regulations respecting the duties leviable on imports and exports by sea at the port of Madras, and at the several ports in the provinces subject to the authority of the Government of Fort St. George* 53

III.

A REGULATION, *for modifying and amending certain of the rules at present in force for the collection of duties on imports by land into the town of Madras and circumjacent villages; and on articles manufactured or produced within the said town and villages* 63

IV.

A REGULATION, *for the conduct of the trade of Foreign nations, with the ports and settlements of the British nation under the presidency of Fort St. George; and for defining the duties to which such trade shall be subject, at ports and settlements dependent on the said presidency* 78

V.

A REGULATION, for establishing a court of civil judicature, and for the appointment of a magistrate of the town of Cochin and its dependencies. Rescinded by A. D. 1817, Regulation IV. 81

VI.

A REGULATION, *for the levying of a particular duty on [illegible], tobacco, ganjah, bang and goodauk, when imported into [illegible] sold in certain towns and places within the territories subject to the presidency of Fort St. George* 81

1812.

I.

A REGULATION, *for determining the import and excise duties on all spirituous liquors manufactured to the eastward of the Cape of Good Hope, which may be imported by sea or land into Madras; and for more effectually preventing the clandestine sale of such liquors* .....

II.

A REGULATION, providing for the use of stampt cadjans, in common with stampt paper, for the legal instruments described in Sections IX, X and XI, Regulation VIII, 1808; establishing stamp duties on all petitions addressed to the Governor in Council and to the boards of revenue and trade; requiring licenses for the retail sale of tobacco in the provinces of Malabar, Canara and Coimbatore, to be written on stampt paper; and modifying certain parts of the existing Regulations respecting the duties leviable by means of stampt paper.—Rescinded by A. D. 1816, Regulation XIII .....

1814.

I.

A REGULATION, for re-establishing a zillah court in the district of Guntoor.—Rescinded by A. D. 1818, Regulation V .....

Page.

1816.

I.

REGULATION, *for declaring the contributions hitherto paid in the province of Tanjore on account of the cavilly police, appropriable to the support of the new police, established or to be established, in that province; for regulating the collection and assessment of those contributions; and for extending and modifying the house tax hitherto collected for police purposes in the province aforesaid*..... 89

II.

REGULATION, *for modifying some of the provisions at present in force for the collection of customs on certain articles of commerce, in the territories immediately dependent on the presidency of Fort St. George*..... 94

III.

REGULATION, *for rescinding Regulation VI of 1806, and authorizing the courts of sudder and foujdarry adawlut to sanction the occasional adjournment of the civil and criminal courts under the presidency of Fort St. George*..... 99

IV.

REGULATION, *for declaring the head inhabitants of villages to be moonsifs in their respective villages, to hear and decide civil suits for sums of money or other personal property to a limited amount, and for defining their jurisdiction*..... 100

V.

REGULATION, *for authorizing village moonsifs to assemble*

Page

village punchayets for the adjudication of civil suits for sums of money or other personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such village punchayets..... 115

VI.

A REGULATION, *for reducing into one Regulation, the rules which have been passed regarding the office of native commissioners, for modifying and extending their powers in the trial and decision of civil suits, and for authorizing them under the designation of district moonsifs, to discharge certain additional duties*.. 128

VII.

A REGULATION, *for authorizing district moonsifs to assemble district punchayets for the adjudication of civil suits for real and personal property, without limitation as to amount or value, within their respective jurisdictions; and for defining the powers and authority to be vested in such district punchayets*..... 150

VIII.

A REGULATION, *for the appointment of the hindoo law officers of the provincial courts to be sudder ameens, or head native commissioners, for the trial of causes referred to them by the judges of the zillahs in which those courts are stationed; for confining the office of sudder ameen to the hindoo law officers of the provincial courts and the mahomedan and hindoo law officers of the zillah courts; and for modifying and extending the power of sudder ameens in the trial and decision of civil suits*... 171

IX.

A REGULATION, *for reducing into one Regulation certain rules which have been passed regarding the office of the zillah magistrate; for modifying and defining his powers, and for*

Page.

ansferring the office of zillah magistrate from the judge to the llector of the zillah 176

X.

EGULATION, *for constituting the judges of the courts of awlut of the several zillahs, criminal judges of their respec- e zillahs, and for defining their powers* 201

XI.

EGULATION, *for the establishment of a general system of olice throughout the territories subject to the Government of ort St. George* 216

XII.

EGULATION, *for authorizing collectors to refer claims garding lands or crops, the validity of which claims may pend on the determination of a disputed boundary; as also ere disputes respecting the occupying, cultivating and irri- ng of land, to be tried and determined by village and district nchayets; and for prescribing the rules under which the trial such disputes shall be conducted, and the decisions of the nchayets carried into execution* 235

XIII.

EGULATION, *for modifying and amending the rules before acted regarding stampt paper and stampt cadjans; and for nsolidating the fees payable on the institution of suits, and on hibits and summonses for witnesses, with the duty levied by ans of stamps* 244

XIV.

EGULATION, *for amending and modifying the rules which e been passed regarding the office of vakeel or native pleader the courts of civil judicature* 266

Page

XV.

A REGULATION, *for modifying the jurisdiction of the zillah and provincial courts, and the court of sudder adawlut, in the trial of original suits and appeals; for amending some of the rules at present in force regarding the admission and trial of special and summary appeals from decisions passed in regular suits; and for limiting and altering some of the existing provisions respecting the pleadings and processes, and the mode of executing decrees in regular suits and appeals*..... 292

1817.

I.

A REGULATION, for modifying certain parts of Regulation IV of 1812.—Rescinded by A. D. 1819, Regulation VI..... 31

II.

A REGULATION, *for suspending for a certain period the operation of Regulations XIII, XIV and XV of 1816, and for re-establishing certain stamp duties abolished by the first of those Regulations*..... 316

III.

A REGULATION, *for explaining and modifying certain provisions of Regulations IX, X and XI of 1816*..... 31

IV.

A REGULATION, *for rescinding Regulation V of 1812, and reviving the jurisdiction of the zillah of South Malabar over the town of Cochin and its dependencies.—Omitted under A. D. 1821, Regulation I*..... 320

Pages.

V.

A REGULATION, *for providing a succession of hindoos and mahomedans duly qualified to be employed as law officers and as vakeels in the courts of adawlut under the presidency of Fort St. George*..... 321

VI.

A REGULATION, *for declaring the provisions of Section IX, Regulation XIII of 1816, not applicable to deeds and instruments executed previously to the 12th of July 1817; and for reviving the operation of Regulation VIII of 1808, and Regulation II of 1813, with respect to deeds and instruments executed between the 1st of January 1809 and the 12th of July 1817*.... 324

VII.

A REGULATION, *for the due appropriation of the rents and produce of lands granted for the support of mosques, hindoo temples and colleges, or other public purposes; for the maintenance and repair of bridges, choultries or chuttrums, and other public buildings; and for the custody and disposal of escheats*.. 325

VIII.

A REGULATION, *for expediting the trial of civil suits in which the native officers and soldiers attached to regular corps on the military establishment of the presidency of Fort St. George, may be parties; and for giving to them certain facilities in the maintenance and recovery of their rights, claims and interests*.. 331

1818.

I.

A REGULATION, *to provide for the more effectual administra-*

Pa

tion of criminal justice in certain cases, and to alter certain provisions of the Regulations in force 31

II.

A REGULATION, *for imposing a duty on foreign salt, imported by sea into any port or place within the limits of the territories subject to the presidency of Fort St. George* 6

III.

A REGULATION, *for imposing a duty on foreign opium imported by sea into any port or place within the limits of the territories subject to the presidency of Fort St. George; and on opium exported by sea from any port or place within the said limits* .. 3

IV.

A REGULATION, *prescribing rules for the assessment and collection of the veesabuddy, or tax upon the profits of trade, in the provinces known by the appellation of the Ceded Districts, or the zillahs of Bellary and Cuddapah* .....

V.

A REGULATION, *for rescinding Regulation I, A. D. 1814, and abolishing the zillah court of Guntoor.—Omitted under A. D. 1821, Regulation I* 3

VI.

A REGULATION, for empowering commissioners appointed to institute certain inquiries into the conduct of the servants of government, european and native, to take evidence on oath; and rendering the violation of such oath liable to the penalties of perjury.—Rescinded by A. D. 1822, Regulation VIII 3

VII.

A REGULATION, *for reducing into one Regulation, with amend*

Page.

ments and modifications, the several rules which have been passed for admitting persons of certain descriptions to sue in the courts of civil judicature as paupers 368

VIII.

REGULATION, *prescribing the rules, under which appeals may be preferred to the King's Most Excellent Majesty in his Privy Council from the decisions of the court of sudder adawlut at Fort St. George* 371

IX.

REGULATION, *for rescinding such part of Section XLI, Regulation XI of 1816, as may be construed to restrict the authority of assistant magistrates to the towns in which they may be deputed to reside* 374

1819.

I.

REGULATION, *for rescinding Section IX, Regulation XXVI, 1802, and vesting in the board of revenue a discretionary power to fix in perpetuity the amount of the public assessment upon subdivisions of estates, liable to a proportion of the permanent land tax less than the sum of five hundred star pagodas per annum; for rendering the permanent alienation, transfer or sale of subdivisions thus assessed, valid in the courts of adawlut; and for preventing fraud, corruption or error, in the distribution of the public assessment upon landed property in general* .. 375

II.

REGULATION, *for the confinement of state prisoners* 378

Page

III.

A REGULATION, *to provide more effectually for the punishment of extortion, oppression, or other abuse of authority on the part of the native officers of police*..... 36

IV.

A REGULATION, *for determining the rate of duty on goods exported or imported by sea, to or from any of the foreign european settlements adjoining the territories subject to the presidency of Fort St. George*..... 36

V.

A REGULATION, *for rescinding such parts of Regulations IX, X and XI of 1816, as disqualify servants of the government from attesting confessions*..... 36

VI.

A REGULATION, *for rescinding Sections II and III of Regulation IV of 1812, and Regulation I of 1817; and for giving due publicity to a certain Regulation enacted by the Honorable the Court of Directors of the United Company of Merchants of England trading to the East Indies, relative to the trade of foreign nations with the British possessions in India*..... 36

VII.

A REGULATION, *for modifying and explaining certain parts of Regulation II, 1816, and of other Regulations now in force for the collection of customs*..... 36

VIII.

A REGULATION, *for rescinding Regulation IX of 1802*..... 36

Page.

1820.

I.

A REGULATION, *for rescinding Regulation I of 1808, and for prescribing the rules under which arrack, toddy, and other spirituous and fermented liquors, shall be manufactured and sold within the territories subject to the presidency of Fort St. George, without the limits of the jurisdiction of the supreme court of Madras*..... 408

II.

A REGULATION, *for giving greater publicity to certain Clauses of the Act of the 53d Geo. III, Cap. 155*..... 420

III.

A REGULATION, *to prohibit the storing of tobacco within twenty miles of the limits of the Madras mints, except by licensed veniers*..... 432

1821.

I.

A REGULATION, *for empowering the Governor in Council, by an order in council, to establish and abolish provincial and zillah courts, to extend and contract the jurisdiction of the same, and to alter the stations at which they are held, and the order of succession in the jail deliveries of the several zillahs, in the territories which are or may be subject to this presidency.* 439

Pag

II.

A REGULATION, *for extending the jurisdiction of the registers, sudder ameens and district moonsifs; and for the more effectual checking of abuses by district moonsifs*..... 4

III.

A REGULATION, *for determining the rate of duty on opium, exported or imported by land, to or from any of the foreign european settlements adjoining the territories subject to the presidency of Fort St. George*..... 4

IV.

A REGULATION, *for giving greater efficiency to the system of police established in the provinces subordinate to the presidency of Fort St. George*..... 4

V.

A REGULATION, *for authorizing collectors to rent out the levy of the inland duties, in the districts under their management; for rescinding Regulation XIV of* 1809; *and for modifying some of the rules of Regulation I of* 1812..... 4

VI.

A REGULATION, *for the better order and discipline of military bazars, and for the prevention of drunkenness among soldiers; and for rescinding Regulation VI of* 1809, *and Regulation III of* 1810..... 4

1822.

I.

A REGULATION, for the more exemplary punishment of robbery by open violence.—Rescinded by A. D. 1825, Regulation I..... 4

Page.

II.

A REGULATION, *to provide for the more effectual administration of criminal justice in certain cases; and to alter certain provisions of the Regulations now in force* 464

III.

A REGULATION, *for extending the operation of Regulation VII of 1815* 471

IV.

A REGULATION, *declaring the true intent and meaning of Regulations XXV, XXVIII and XXX of 1802, so far as they relate to the rights of the actual cultivators of the soil* 473

V.

A REGULATION, *for vesting in collectors authority to take primary cognizance in certain cases of suits cognizable summarily by the zillah courts under Regulations XXVIII and XXX of 1802, and otherwise modifying the provisions of those Regulations; for rescinding Regulation XXXII of 1802; and for vesting in collectors the summary cognizance of cases which under that enactment were cognizable by the zillah courts; and for authorizing collectors to refer all such suits to punchayets for decision; and for extending the provisions of Regulation XII of 1816* 474

VI.

A REGULATION, *for extending the powers of the criminal judges and of the courts of circuit in the trial of persons charged with breaking into houses and other places of habitation, or into warehouses or other places used for the custody of property, with an intent to steal; or charged with theft, or with buying or receiving stolen property knowing the same to have been stolen; or charged with escape from jail or other place of confinement.* 48[illegible]

Pa

VII.

A REGULATION, *for rescinding Regulation I of 1809 and Regulation V of 1811; and for declaring that the appointment and removal of the native public servants of government shall be regulated by such orders as the Governor in Council may from time to time see fit to issue* 49

VIII.

A REGULATION, *to rescind Regulations III of 1809, II of 1810 and VI of 1818; and to make provision for the investigation of the conduct of the public officers of government, european or native, when necessary, in the way which in each particular case may be deemed most convenient* 49

IX.

A REGULATION, *for empowering collectors to take primary cognizance of cases of malversation in revenue affairs; for prescribing the rules to be observed in such investigations, and in the recovery of money embezzled or corruptly received by public servants and others amenable to the collectors jurisdiction; for providing for the admission and trial of appeals from the summary decisions of collectors in such cases; for declaring the powers of criminal judges and courts of circuit in the punishment of the offences specified in this Regulation; and for rescinding Regulation XXXIII of 1802* 498

1823.

I.

A REGULATION, *prescribing the course of proceeding to be observed in regard to suits instituted in the courts of adawlut against the public officers of government* 5

Page.

II.

A REGULATION, *for authorizing a special appeal from the decrees of registers and sudder ameens; and for modifying the provisions of Section XIV, Regulation VIII of 1816*..... 516

III.

A REGULATION, *for rescinding Section XI, Regulation IX of 1822; and for declaring the powers of subordinate and assistant collectors, in the execution of the provisions of Regulation IX of 1822*..... 518

1824.

I.

A REGULATION, *for extending to the criminal courts the rules prescribed in Section VII, Regulation III, 1802, for procuring the attendance and evidence of witnesses*..... 519

1825.

I.

A REGULATION, *to rescind Regulation I of 1822, and to alter certain other provisions of the Regulations in force; and to provide for the more prompt and effectual administration of criminal justice in certain cases*..... 520

II.

A REGULATION, *for modifying and amending certain provisions contained in Regulation XIII of 1816, Regulation II of 1817, and Section VI, Regulation XXXIV of 1802*..... 526

Pag

III.

A REGULATION, *to prohibit judges from sitting on the trial of appeals in causes tried before themselves; and to empower the Governor in Council to increase, at his discretion, the number of judges of the provincial courts of appeal and circuit, and of the sudder and foujdarry adawlut*..... 5

IV.

A REGULATION, *for amending and modifying the provisions contained in Regulation VII of* 1818..... 53

V.

A REGULATION, *for modifying the provisions of Section XLIII, Regulation VI of* 1816, *regarding suits for land*..... 53

1826.

I.

A REGULATION, *for establishing rules for the use, and providing checks on the abuse, of the power of employing summary process for the recovery of arrears of public revenue, other than the land revenue*..... 53

II.

A REGULATION, *for rescinding Clause fourteenth, Section XVIII, Regulation II of* 1812..... 53

III.

A REGULATION, *for the more easy conviction of the crime of perjury in certain cases*..... 53

Page.

1827.

I.

A REGULATION, *for the establishment of auxiliary zillah courts in the territories subject to the presidency of Fort St. George; and for the appointment of assistant judges and sudder ameens to those courts* 541

II.

A REGULATION, *for constituting the assistant judges appointed under Regulation I, 1827, joint criminal judges of the zillahs in which they may be stationed; and for defining the extent to which the powers of magistrate shall be exercised by subordinate collectors* 547

III.

A REGULATION, *for empowering the Governor in Council in certain cases, to direct that persons charged with crimes or misdemeanours shall be sent for trial or committal to another court than that within the jurisdiction of which the offences charged were committed* 549

IV.

A REGULATION, *for the more effectual prevention of the undue use of spirituous and fermented liquors and intoxicating drugs by the european troops serving under the presidency of Fort St. George* 552

V.

A REGULATION, *for establishing rules and articles for the better government of the native officers and soldiers in the*

Pa

service of the United Company of Merchants of England trading to the East Indies under the presidency of Fort St. George. ... 5

VI.

A REGULATION, *for explaining the provisions of Clause first, Section V, Regulation XV, 1803, and Clause fourth, Section III, Regulation VI, 1822; for making farther provisions against the offence of counterfeiting the coin; for declaring magistrates empowered to take recognizances and security for keeping the peace in certain cases; for enlarging the power granted to magistrates by Clause first, Section III, Regulation II, 1822; for modifying and amending the rules in force relating to the requisition of security for good behaviour; and for subjecting to compulsory labour persons unable to find the security required.* 5

VII.

A REGULATION, *for constituting the office of native judge*... 59

VIII.

A REGULATION, *for granting to native judges jurisdiction in criminal cases*..... 60

IX.

A REGULATION, *for rescinding Regulation II, 1808, with the exception of Section XI; and for declaring the general Regulations applicable to the town and island of Seringapatam*..... 60

X.

A REGULATION, *for the gradual introduction of trial by jury into the criminal judicature of the territories subject to the presidency of Fort St. George*..... 60

XI.

A REGULATION, *for supplying certain omissions in Regula-*

Page

tions I and VII, 1827, respecting special appeals; and for providing for the office of sudr ameen in auxiliary courts seated at the same station as provincial courts 617

1828.

I.

A REGULATION, *to provide for the sentences of native courts martial being carried into execution, in certain cases, at the zillah criminal and joint criminal courts* 618

II.

A REGULATION, *for improving the administration of justice, by district moonsifs, in certain respects* 621

III.

A REGULATION, *for improving the means of procuring for the courts of judicature correct expositions of the hindoo and mahomedan law* 624

IV.

A REGULATION, *for abolishing the rules which prescribe fixed rates of compensation to persons employed in translating judicial proceedings* 625

V.

REGULATION, *for taking away from the courts of sudr and foujdarry udalut the power of suspending judges from office in certain cases; and from the board of revenue the power of suspending from office, summoning to the presidency, and fining collectors, &c. in certain cases* 625

Pag

VI.

A REGULATION, *to amend the rules for computing the periods limited for appealing; and to provide for the disposal of pleaders fees deposited in suits struck off the files of zillah courts as being for an amount or value not cognizable by them*.. 6

VII.

A REGULATION, *for declaring the powers of subordinate and assistant collectors in charge of particular divisions of districts; and for facilitating proceedings under Regulation IX, 1822*.... 62

VIII.

A REGULATION, *for abolishing the use of the rattan as an instrument of punishment; and for substituting in lieu thereof the cat-of-nine tails*..... 6

IX.

A REGULATION, *for rescinding such parts of the existing Regulations as prescribe forms for periodical reports, calendars, registers, or other statements, to be furnished by the civil or criminal courts, and require the same to be forwarded at periods specified*..... 63

1829.

I.

A REGULATION, *for amending the rules in force relative to the trial of appeals; and for the better securing of impartiality, in the administration of justice*..... 63

Page.

II.

A REGULATION, *for rescinding Regulation XI of 1809, and for providing for the trial of serious offences, committed by native subjects of the British Government, in places out of the limits of the British territories* 638

III.

A REGULATION, *for establishing further rules and articles for the better government of the native officers and soldiers in the service of the East India Company under the presidency of Fort St. George* 641

IV.

A REGULATION, *for annulling the sunnuds-i-milkeut istimrar issued for the zemindaries of Nozeed and Ellore in the zillah of Masulipatam; and for empowering the Government to issue new sunnuds for the same* 642

V.

A REGULATION, *for modifying Section XVI, Regulation III, 1802, and for declaring the legal force of wills left by hindoos, within the territories subject to the presidency of Fort St. George, to be dependent on their conformity to the hindoo law, according to the authorities prevalent in the respective provinces under this Government* 646

VI.

A REGULATION, *for modifying the enactments contained in Section VIII, Regulation I, 1825* 648

VII.

A REGULATION, *for rescinding Clauses second and third, Section IV, Regulation V, 1821, and providing for the enforcement of the cowles granted to custom renters* 650

VIII.

A REGULATION, *for the punishment of the fraudulent appropriation, or the unlawful and malicious obliteration or destruction, of judicial records; and for defining the course of proceeding to be observed, in bringing to trial persons charged with perjury, or subornation of perjury, before certain tribunals,* . . .

A. D. 1811. REGULATION I.

A REGULATION, for providing a quarterly jail delivery in the zillahs of Masulipatam, Chittoor, Trichinopoly, and North Malabar.—Passed by the Governor in Council of Fort St. George, on the 11th January 1811.

Preamble.

WHEREAS instances have occurred in which the business of the half yearly circuits has not been completed before the arrival of the period fixed for the commencement of the ensuing circuit, and it is expedient that provision should be made for relieving the judges proceeding on circuit, from the duty of delivering the jails, at the sudr stations of the several divisions; and whereas the convenience of strangers, being prosecutors and witnesses, who occasionally resort to the cities, declared by Regulation XIII, of 1808, to be the seats of the courts of circuit, for purposes of traffic, or on pilgrimage to the Hindoo temples in their vicinity, and cannot, without injury to their concerns, wait the period of a half yearly session, requires that the jail delivery of the zillahs of Masulipatam, Chittoor, Trichinopoly, and North Malabar, should be held quarterly; —the Governor in Council has therefore enacted the following rules, to be in force throughout the provinces subordinate to the Presidency of Fort St. George, from the 1st day of January 1811.

Section IX, Regulation XIII, of 1808, rescinded.

I. Section IX, Regulation XIII, of 1808, is hereby rescinded.

Provisions for a quarterly jail delivery in the zillahs of Masulipatam, Chittoor, Trichinopoly and North Malabar.

III. The jail deliveries of the zillahs of Mas patam, Chittoor, Trichinopoly and North Malal instead of being held, as heretofore, before judge proceeding upon the half yearly circuit, in the order prescribed by Section IX, Regula XIII, of 1808, shall hereafter be held quarte before one of the two judges remaining at the s station, for the performance of the duties of court of appeal, assisted by the law officer wh turn it may be to remain on the spot, and atten by such part of the establishment of ministe officers, as may be necessary.

By whom to be superintended.

IV. The courts of quarterly jail delivery, e blished by this regulation, shall be superinten by the judges of the provincial court in rotation follows, viz.—the judge who did not proceed the last half yearly circuit, shall preside at first quarter sessions of the year, the second b held before the judge, who last returned from cuit; and, in like manner, the third and fo quarter sessions of the year shall be held a nately before the judges, the judge not last circuit presiding at the former sessions, and other at the latter.

The quarterly jail deliveries to commence on the 1st of January, April, July and October, and not to interfere with the sittings of the courts of appeal.

V. The quarterly jail deliveries shall comm on the first of the months of January, April, and October, respectively, in each year; and continue, on the days whereon the court of ap may not sit, or in such manner as may occa the least possible impediment to the busines that Court, until all persons committed or hel bail, for trial, by the magistrate, shall have been and generally the business of the sessions

have been completed. But, when the first of either of the above months shall fall on Sunday, the court shall not be opened until the Monday following; nor shall any of the courts of circuit sit on Sunday on any occasion whatever.

Courts not to sit on Sunday.

VI. *Part omitted*, Regulation VI, of 1806, *here referred to, having been rescinded by Regulation* III, 1816. All the rules contained in the existing regulations for the guidance, and to define the powers, of the courts of circuit, shall be extended to the courts of quarterly jail delivery established by this regulation.

All the rules in the existing regulations concerning the courts of circuit declared applicable to the courts of quarterly jail delivery.

VII. *Omitted under Regulation* I, 1821.

Order of the jail deliveries.

VIII. The courts of circuit shall not, in any instance, deviate from the fixed order of succession, established by this regulation, without the previous sanction of the Foujdaree Udawlut, upon a report to that court of any particular circumstances that may occur, to render such deviation necessary.

The established order of succession for the jail deliveries, not to be deviated from, without the sanction of the Foujdaree Udalut.

A. D. 1811. REGULATION II.

A REGULATION, for explaining, and amending, in certain cases, the rules of process to be observed by the civil courts of judicature; and for amending the rule contained in clause fourth, Section IV, Regulation V, A. D. 1808.—Passed by the Governor in Council of Fort St. George on the 15th January 1811.

Preamble.

By the Regulations in force for the guidance the zillah courts, one uniform process is prescr for causing the appearance of all defendants in c suits, not being hindoo or moohummudan women rank or quality, such as, according to the custo the country, would render it improper to con them to appear in an open court of justice. original process so prescribed is a summons on defendant, requiring him to accompany the of deputed to serve it, or to deliver sufficient secu to appear, in person or by vakeel, and answer to complaint against him, on a day appointed. In event of the defendant's being found, and his giving the required security, the officer charged the summons is to take his person into custody, bring him before the court; which is empowere commit him to close custody, until he shall give requisite security, or perform the decree which be passed upon the complaint against him. the relief of defendants in suits instituted by p pers, the judges of the zillah courts were au rized, by Section XXXIV, Regulation VII, 1 to fix the extent of the security to be required the appearance of the defendant; with directi whatever may be the claim of the plaintiff, to mand from the defendant such security only, may appear necessary to secure his appeara during the trial of the suit. But, except in pe causes, for money or property not exceeding amount or value the sum of ten Arcot Rupees, which the native commissioners are restricted Section XVIII, Regulation VII, 1809, from requ ing security, unless they shall receive certain in mation that the defendant is about to absco the civil courts of judicature are not empowered

dispense with the requisition of bail, from defendants, in any case not specially provided for by the regulations; although, in many instances, the small amount of the claim, and the known property and responsibility of the defendant render the demand of security unnecessary and vexatious. On the other hand, with an exception to the power vested in the native commissioners, of attaching the personal property, (instead of confining the person) of any defendant who may not give the security required for his appearance, the civil courts are not authorized to attach the property of any defendant, until a judgment be given against him; even when the defendant against whom a summons may issue, shall abscond, or shut himself up in any building, or retire to any place, so that the process cannot be served upon him; an exparte trial and decision only being provided for such cases, after proclamation in the court, and at the defendant's place of residence. A dishonest debtor, therefore, by concealing himself and disposing of his property, is enabled to defraud his creditor and to defeat the ends of justice; at the same time a strict application of the existing rule of final process in execution of decrees (whereby the civil courts are directed to levy the amount adjudged, by the public sale of a sufficient portion, or if requisite, of the whole of the lands, houses, and effects belonging to the party against whom the judgment is given; or if necessary, both by the sale of his property and attachment of his person; without any discretion to grant relief from personal attachment in cases of insolvency) enables rigorous creditors to exercise undue severity towards their debtors, by keeping them in confinement (at a small charge for their subsistence,) when

they have no means of discharging the amount demandable from them. And doubts have been entertained whether the terms of the existing rules admit of any indulgence of time being allowed by the courts, for the satisfaction of a final judgment, without the express consent of the party in whose favor such judgment is passed. Also whether the amount paid for the subsistence of persons confined in execution of decrees, of the civil courts, is to be repaid by the party confined, on his release. To explain and amend, therefore, the existing rules of process, in the several instances abovementioned, in such manner as appears requisite, expedient, and conducive to justice; and farther to amend the rule contained in clause fourth, Section IV, Regulation V, A. D. 1808, concerning the payment of fees, directed in the said section to be levied on exhibits, and on summons, or commissions for the attendance or examination, of witnesses in suits and appeals, the Governor in Council has enacted the following rules, to be in force from the time of their promulgation, throughout all the provinces under the immediate government of the Presidency of Fort St. George.

The first process issued by the civil courts, shall be a notice only.

II. First. Upon the institution of a civil suit in the mode prescribed by the regulations, in any zillah court, the general first process against the defendant, instead of the summons and requisition of security for appearance prescribed by Section V, Regulation III, 1802, shall be a notice only, containing a short statement of the demand, with a requisition to attend in person, or by vakeel, and to deliver an answer to the plaint, on or before a certain day, to be specified in the notice.

What to contain.

Second. If the defendant have an accredited agent at the place where the court is held, expressly empowered, either by a clause in his general moktarnamah, or by a separate moktarnamah granted for that purpose, to receive, on behalf of his constituent, notices or other judicial processes, which may not be especially ordered to be served personally, by an officer of the court; the notice to be issued, under the preceding clause, shall be tendered to such agent, to be communicated by him to his principal; and the agent's acknowledgment, to be indorsed upon it, shall be accepted as a sufficient service of it, if he be desirous of giving such acknowledgment, in preference to the notice being served on the person of his principal, by an officer of the court.

How to be served if the defendant have an accredited agent residing where the court is held.

Third. If the defendant shall not have an accredited agent at the place where the Court is held, or if he shall not have expressly authorized his agent to receive notices of the above description; or if such agent shall decline receiving the notice for communication to his constituent, and the defendant be resident within the jurisdiction of the court; it shall be served on him, through the nazir of the court, by a single chupprassy, or peon, who shall require only the acknowledgment of the defendant to be endorsed upon it; or if he be absent from his usual place of residence, the acknowledgment of his principal agent, or of any person acting for him during his absence. If the defendant be resident within the jurisdiction of any other zillah court, than that in which the suit may have been instituted, the notice shall be transmitted to the judge of the zillah in which the defendant may reside, to be served in

How in other cases.

How to be served if the defendant be resident in another jurisdiction;

or, if the defendant be neither resident within such jurisdiction, nor within that of any other Zillah Court, and the suit be cognizable, notwithstanding, from the property, if immoveable, being situated

in such jurisdiction, or from the cause of action having arisen therein.

the manner above directed. If the defendant be neither resident within the jurisdiction of the zillah court in which the suit may be instituted, or of any other zillah court, and the suit shall notwithstanding be cognizable, either in claims to landed or other immoveable property, from the property claimed being situated within the jurisdiction of the court; or, in other cases, from the cause of action having arisen within its jurisdiction; the notice, if the suit be for land or other immoveable property, shall be served upon the defendant's agent or representative in charge of such property; and in other suits, the judge shall cause notice of the claim to be conveyed to the defendant, in such manner as may appear most certain and convenient, according to the circumstances of the case.

Notices issued to those employed in the provision of the Company's investment how to be served.

Fourth. The notices issued, under the preceding clauses of this section, to weavers or others employed in the provision of the Company's investment, shall be served, in the manner directed by the existing regulations, with respect to the service of summons upon persons so employed, when sued as defendants in the civil courts.

Court how to proceed against a defendant to whom a notice may have been issued, who shall abscond, or cannot be found, or acts so that the notice cannot be served to him.

III. If a defendant to whom a notice may have been issued, as directed in the preceding section, shall abscond, or is not after diligent search to be found, or shall shut himself up in any house or building, or retire to any place, so that the notice cannot be served upon him, the judge, (or the register in cases referred to him) on receiving the nazir's return to this effect, shall issue a proclamation, as directed in similar cases, when a summons cannot be served upon a defendant, by Section XIII, Re-

Proclamation to be issued, and what it shall contain.

gulation III, 1802. If the defendant shall not appear in person or by vakeel, by the time limited in such proclamation, or if a defendant, who may have been served with a notice, as directed in the preceding section, shall not appear in person or by vakeel, within the time specified; or if, having appeared, he shall refuse to answer the plaint, or make other default; the court, as provided in the section abovementioned, shall proceed to try the cause exparte; and, after examining the plaintiff's evidence in support of his claim, shall give judgment, in the same manner as if the defendant had appeared, answered, and entered into proof.

Cases in which the court is to proceed exparte.

IV. First. If a defendant, after receiving the notice prescribed in Section II, shall attend in person or by vakeel, and deliver his answer to the plaint, and no reason shall subsequently appear to the court for requiring security for his appearance, during the trial of the suit, he shall be allowed to defend the cause, to its termination, without being called upon for such security. But if the judge (or register) shall be satisfied, by sufficient proof, that there is reason to believe the defendant intends to abscond, and withdraw himself from the jurisdiction of the court, he may, either on the institution of the suit, or at any time whilst the suit is depending in the zillah court, issue process against the defendant, requiring him to give security for his appearance, as prescribed on the issue of summons by Section V, Regulation III, 1802, under penalty of being committed to close custody, until such security be given, or the decree of the court be complied with, as provided in the abovementioned section; or until an attachment of property shall

Defendant, after attending, to defend the suit to its termination, without being called upon for security, unless it appear to the court requisite.

How the court is to proceed if the defendant intends to abscond.

Process to be issued in such cases requiring security under specific penalties.

for landed property of considerable value, if necessary, until the suit be decided or malzaminy security be given.

appear necessary, for the purposes of justice, to divest the defendant from the management of the land until the suits be decided, or malzaminy security be given, the attachment shall be made through the collector of the district in which the land is situated, as prescribed by clause ninth of Section XII, Regulation IV, 1802, in appeal cases wherein neither the appellant nor respondent may be able to give security for staying the execution of the decree.

In all other cases attachments shall not, without special cause, remove the defendant or his representative from the possession or management of the lands attached.

But in other cases, the attachments which may be ordered under the present rule, shall not, without special cause, to be recorded on the proceedings of the court, remove the defendant or his representative from the possession and management of the land, or other property attached, until a decision be passed in the cause before the zillah court; nor be understood to preclude any act of the defendant or his representative, relative to such property, which may be consistent with the object of the attachment.

Nor preclude any act of the defendant or his representative consistent with the object of the attachment.

How the judge or register is to proceed with regard to the property attached, after the decision of the suit.

Third. Upon the decision of the suit, the judge (or register) shall pass such further order relative to the property attached, as may be just and conformable with the judgment given in the cause. If the decree be against the defendant, all right and interest possessed by him in the property attached, (saving arrears of rent or revenue due from land, and any other bonâ fide claims which may be entitled to satisfaction in preference to the decree,) shall be held answerable for the execution of the judgment, in the mode prescribed by the regulations.

Provision if the plaintiff's claim be dismissed or not in any considerable portion established.

But if the plaintiff's claim be dismissed, or be not, in any considerable proportion, established against the defendant, all expense and loss to the defendant, which may arise from the attachment, of his

property in consequence of such claim, shall be reimbursed to him by the plaintiff, as part of the costs of suit.

Suits in which an attachment may have taken place, to be determined, without regard to their number on the file.

VI. Whenever any property may be attached by order of a zillah court, under the provisions contained in the foregoing section, the trial of the cause shall be proceeded on, and brought to a conclusion, as speedily as possible, without regard to the order of time, with respect to other depending causes, in which it may have been instituted. The attachment shall also be taken off on the delivery of sufficient malzaminy security, at any time previous to the decision of the cause in the zillah court.

Attachment to be taken off whenever malzaminy security is tendered.

Two preceding sections applicable to the provincial courts of appeal and sudder udalut.

VII. The provisions contained in the two preceding sections shall be held equally applicable to the provincial Courts of Appeal, and Sudder Udalut, in all cases wherein an attachment of property, made by a zillah court, may be continued during the trial of an appeal before a provincial court, or the court of sudder udalut; or in which those courts may judge it proper to order an attachment of property, in default of security being given, as required, either by the appellant, or respondent, in any depending appeal.

Promissory notes or other obligations of government, or any other sufficient money security to be accepted, instead of hazirzaminy or malzaminy.

VIII. When personal bail, or security for money or other property may be demandable from a party in any original civil suit, or appeal, and he shall tender a deposit of money, or of promissory notes, or other obligations, of government, or any other sufficient money security, to the amount required; such deposit shall be accepted, instead of hazirzaminy or malzaminy securities, and shall be carefully

Such securities to be kept by the treasurer of the court, and

disposed of according to the direction of the court.

kept by the treasurer of the court; to be restored, or disposed of as the court may direct, on the termination of the cause, or whenever the purpose, for which the deposit is made, shall have been accomplished.

IX. *Rescinded by Section* II, *Regulation* VI, 1816.

Explanation of a doubt whether the civil courts are competent to provide for the payment of money adjudged, by instalments.

Not to grant indulgence of time, when there may be property to satisfy the judgment, unless the party in whose favour it is passed, consent to waive immediate enforcement or a postponement of the sale appear equitable.

X. Doubts having been entertained whether any of the established civil courts are competent to provide, in their decrees, for the payment, by instalments, of money adjudged by them, or to make such provision, in cases of indigence, at any period after passing their decrees; it is hereby declared, that the civil courts in general are restricted from granting indulgence of time, in the satisfaction of a final judgment, when property, from which such judgment can be satisfied, (whether belonging to the party against whom the judgment is given, or to his surety or sureties, for the performance of such judgment) may be forthcoming; unless the party in whose favor the decree is passed shall consent to wave his right of immediate enforcement, under an engagement for gradual payment, or otherwise; or unless a short postponement of the sale of property shall, under any particular circumstances, appear just and equitable. But when no property may be pointed out from which the judgment can be enforced, and the party against whom it is passed, or his surety, if he have given any, may be willing to engage (under sufficient malzaminy or hazirzaminy security, as one or the other may be tendered, or required) for the liquidation of the amount due, by instalments, within such period, as the court

When no property to satisfy the judgment may be pointed out; and the party against whom the decision is passed or his surety may be willing to engage for the liquidation of the amount due by instalments,

passing the final decree or intrusted with the execution of it, shall deem reasonable and proper, it shall be competent to the court, by which the final judgment is given, or to a zillah court enforcing the decision of a native commissioner, and to any superior court revising the proceedings of an inferior court, to accept the engagement so offered, and to cause execution of the decree in conformity therewith, so long as the conditions of it shall be duly fulfilled. In such cases, if the person delivering the accepted engagement shall have been taken into custody, he shall be immediately discharged; and shall not be liable to further arrest, in execution of the judgment to which such engagement may refer, except on failure to perform the terms of it; nor shall any interest be chargeable, in such instances, beyond what may be provided for in the engagement.

The courts to receive such engagements.

If the person delivering such engagements shall have been arrested, he is to be released and not again arrested in execution of the same judgment, except on failure to perform his engagement. No interest chargeable in such instances, beyond what the engagement provides for.

XI. For the relief of the insolvent debtors and their sureties, who may be in confinement, for the satisfaction of the decrees of the civil courts, and may have no means of discharging the amount demandable from them, by instalments or otherwise, the judges of the zillah courts, the provincial courts of appeal, and the court of sudder udalut, are empowered, on receiving from the person or persons confined, in such cases, a statement upon oath, containing a full and fair disclosure of all property belonging to them, whether in land, money, or effects, or of whatever description; and whether held in their own names, or in the names of any other persons, or jointly with others; to cause enquiry to be made, for the purpose of ascertaining the truth of such statement, or the validity of any objections thereto, which may be offered by the party

The courts, empowered to afford relief to insolvent debtors and their securities, on receiving a statement on oath, containing a disclosure of all property belonging to them.

Inquiry to be made to ascertain its truth, or the validity of any objections to it

If true and the person in confinement has no other means of paying, and shall make a surrender of his property; the court after causing it to be sold, may release the deb or with or without security for appearance.

at whose instance the prisoner, or prisoners, may be in confinement; and if the result of such inquiry shall satisfy the court, that the statement of property so delivered is true and faithful, and that the persons confined possess no other means of discharging the amount demandable from them, and the property included in the statement, or such part thereof as the court may deem it proper to sell, in satisfaction of the judgment passed, shall be given up for sale; the court, on receiving such surrender of property, may cause it to be sold, in the mode prescribed by the regulations; and may order the release of the person or persons in confinement, either with, or without, hazirzaminy security, for his or their appearance when required. Provided, however, that nothing in this section, which is meant to grant relief in cases of real inability and fair dealing only, shall entitle any debtor or surety, under the judgment of any civil court, to be released, without full satisfaction of such judgment, if he shall be guilty of any fraudulent concealment of property, or shall have committed any manifest fraud or misdemeanor, which may appear to the court to render him an improper object of the relief intended for persons acting with good faith, and willing to surrender all the property in their possession for the benefit of their creditors. Nor shall release from confinement, in any instance, under this section, prevent the creditor from bringing to sale (by application to the court) in full payment of the sum adjudged due to him, any property which may be subsequently possessed by the party released; or from causing such party to be again confined, until the judgment be fully satisfied, when it may appear, by sufficient proof, that he had fraudulently concealed any pro-

Provided that no debtor or surety in confinement be released who may appear to have been guilty of a fraudulent concealment of property or any manifest fraud or misdemeanor

The release of the debtor not to prevent the creditor from bringing to sale any property which may be subsequently possessed by the party released, in payment of the sum adjudged against him, or from causing the party to be again confined, on its being proved that the fradulently

perty actually belonging to, and known to have been possessed by him, either in his own name, or that of others in his behalf, at the time of his discharge. Provided, further, that all proceedings held, and orders passed, by the judges of the zillah courts under the discretion vested in them by this section, shall, on representaion of the parties affected thereby to the provincial courts of appeal, be open to the revision and determination of those courts; and, in like manner, all orders passed by the provincial courts under this section, shall be open to the final decision of the Sudr Udalut.

concealed any property at the time of his discharge.

Provided that all orders passed by the zillah courts be open to the revision of the provincial courts; and any order by the latter to the final decision of the suddur udalut.

XII. A question having arisen, whether the amount paid for the subsistence of persons in confinement, under judgments of the civil courts, as prescribed by Section X, Regulation III, 1802, is to be repaid by the party confined, on his release; it is hereby explained that such repayment is to be made, in common with the re-imbursement of other costs of suit and process, when any property may be forthcoming from which the amount can be levied. But when no property can be pointed out for the re-imbursement of the subsistence money paid to prisoners, they shall not be detained in confinement, for the repayment of such money only.

The subsistence of debtors in confinement to be re imbursed when there may be any property forthcoming.

But persons not to be detained for the re-imbursement of the subsistence money only, when no property can be pointed out.

XIII. *Omitted,* Regulation V, A. D. 1808, *to which it refers, having been rescinded by Regulation* XVII, 1816.

A. D. 1811. REGULATION III.

A REGULATION, for extending to the Commercial Residents, their Deputies, and Assistants, the privilege of trading on their own account.—Passed by the Governor in Council of Fort St. George, on the 29th March 1811.

OMITTED. The Commercial Agencies having been abolished, with a single exception.

A. D. 1811. REGULATION IV.

A REGULATION, for explaining and amending the existing rules of criminal process; and for defining, in certain cases, the powers and duties of the Zillah Magistrates, and of their Assistants, of the Courts of Circuit, and of the Court of Foujdarry Adawlut.

RESCINDED by A. D. 1816, Regulation IX.

A. D. 1811. REGULATION V.

A REGULATION, for modifying parts of the rules in force, respecting the appointment and removal of the native officers of government, in the judicial, revenue, and commercial departments.

RESCINDED by A. D. 1822. *Regulation* VII.

A. D. 1811. REGULATION VI.

A REGULATION, to provide more effectually for the punishment of perjury, subornation of perjury, and forgery; and to alter the provisions in force, for the payment of a fixed reward on the conviction of public offenders.—Passed by the Governor in Council of Fort St. George, on the 9th July 1811.

NOTWITHSTANDING the provisions made by Section XL, Regulation VII, 1802, for punishing, to the full extent authorized by the Moohummudan law, persons convicted of giving false testimony on oath, or under a solemn declaration, in the courts of judicature, civil or criminal; this flagrant offence is found still to prevail, with subornation of perjury, Preamble.

and forgery, equally injurious to the rights of individuals, and to the due administration of justice: and no specific penalties having been attached to these crimes by the Moosulman law, which has left them punishable at discretion, by flagellation, imprisonment, and public ignominy; persons convicted of them have been sentenced to various, and in some instances inadequate punishment, according to the futwahs of the Moohummudan law officers of the courts of circuit. It is therefore requisite, that farther provision be made to define, as far as the degrees of criminality in different cases may admit, the sentences which are to be passed by the courts of circuit, upon persons convicted before them, of wilful perjury, subornation of perjury, or forgery. It is also expedient to declare such heinous and prevalent offences not bailable, except in special cases; and to expedite the exemplary punishment of persons who may be guilty of them, before the courts of circuit, by providing for their immediate commitment and trial, when the whole of the requisite witnesses may be in attendance. For these purposes, and to obviate objections which have arisen to the present system of granting a fixed reward, for the discovery and apprehension of public offenders, payable on conviction; as well as to provide more effectually for the remuneration of actual service, rendered in the discovery or apprehension of offenders, against the public peace, when no specific reward may have been offered for the performance of such service; the Governor in Council has enacted the following rules, to be in force as soon as promulgated, throughout all the provinces immediately subordinate to the Presidency of Fort St. George.

II. Section XL, Regulation VII, 1802, is hereby rescinded.

Section XL, Regulation VII, 1802, rescinded.

III. First. If any person amenable to the jurisdiction of a court of circuit, shall be convicted before that court, whether by his free and voluntary confession, or by the testimony of credible witnesses, or by strong circumstantial evidence, of the crime of wilful perjury, or of subornation of perjury, or of forgery,* as defined in the following section of this regulation; and shall, in consequence, by the futwah of the Mohummedan law officer of the court of circuit, be declared liable to discretionary punishment (*tazeer, ookoobut*, or *seeasut*,) the judge of circuit, before whom the trial may be held, provided he concur in the conviction of the prisoner, (and shall consider him a proper object of corporal and ignominious punishment) shall sentence† the offender to be publicly exposed, in the mode commonly denominated *tusheer; (part rescinded by Section* V, *Regulation* I, 1818,) to receive thirty stripes with a corah; and to be imprisoned and kept to hard labour for a period not less than four, and not more than seven years. If it appear proper to banish the prisoner, during the period of his confinement, from the district in which he may have resided, he will be farther liable to such sentence, in pursuance of clause third, of Section VIII, Regulation XV, 1803; provided, however, that if the judge of circuit, on consideration of the circumstances of the case, and the prisoner's situation,

Punishment for perjury, subornation of perjury, or forgery.

In what case mitigable.

* *For the punishment of forging counterfeit coin, vide Section* V, *Regulation* II, 1822.

† *Mitigable by Section* V, *Regulation* I, 1825.

shall deem the punishment above specified too severe, he shall submit the trial, with his sentiments, to the Foujdarry Udalut, for the final sentence of that court.

Judge of circuit how to proceed, if the stated punishment appear inadequate; or if he differ from the law officer on the prisoner's conviction.

Second. If the judge of circuit differ in opinion from the law officer of that court, with respect to the conviction of the prisoner; he shall not pass any sentence, but shall transmit his own, and the magistrate's proceedings, with his sentiments, in a letter to accompany them, for the sentence of the court of Foujdarry Udalut.

Extent to which the foujdarry udalut may pass sentence.

Third. In cases of reference to the Foujdarry Udalut, this court, after taking the futwah of its law officers, shall, if the prisoner be convicted, sentence him to any punishment deemed proper, not exceeding that specified in clause first, of this section.

Definition of perjury.

IV. First. The crime of wilful perjury, subjecting the offender, on conviction, to the punishment stated in the foregoing section, is hereby declared to be, giving intentionally and deliberately, before a court of judicature, magistrate, or other authorized public officer, a false deposition, upon oath, or under a solemn declaration taken instead of an oath, relative to some judicial proceeding, civil or criminal, and upon a point material to the issue thereof.

Subornation of perjury,

Second. Subornation of perjury punishable under the preceding Section, is declared to be the crime of procuring, or causing, another person to commit the offence of perjury as above described.

Third. The penalties for forgery, stated in Section III, are meant to include all fraudulent and injurious fabrications, or alterations, of written deeds, or of written or printed papers, of whatever description; as well as all counterfeit seals or signatures thereto; and the illicit imitation of any public stamp, or stampt paper, established by government. It is farther hereby declared that persons convicted of procuring, or causing, any such forgery, will be liable to the same punishment, as those convicted of having actually committed the forgery, at the instigation of others. and forgery.

V.* Persons charged with the crime of perjury, subornation of perjury, or forgery, as defined in the preceding Section, and appearing to the civil or criminal courts by whom they may be ordered to be brought to trial before the courts of circuit, to have been guilty of the charge, shall not be admitted to bail, (notwithstanding any thing declared to the contrary in any existing regulation) unless specially authorized by the court under whose directions they are committed for trial. But nothing herein contained shall be construed to preclude the magistrate from admitting to bail, persons committed by him for trial, on charges preferred originally before him, in cases cognizable by him under the regulations, without any order from a civil or criminal court, for the commitment of such persons for trial before the court of circuit. Persons ordered to be tried for perjury, subornation of perjury, or forgery, not to be admitted to bail.

VI. Whenever a witness giving evidence before a In what cases per-

* *As to the process for bringing to trial persons guilty of perjury, or subornation, before certain tribunals, vide Regulation* VIII, 1829.

sons considered guilty of perjury, subornation of perjury or forgery, before a court of circuit, may be brought to immediate trial before that court, without postponement to a future session.

court of circuit may be considered by the judge of that court to be guilty of wilful perjury; or whenever a person attending a court of circuit may be considered by the judge of that court to be guilty of subornation of perjury, or of forgery, in any trial or matter depending before the court; and the whole of the witnesses required for the proof of the charge, and for the defence of the accused, may be also in attendance; it shall be competent to the judge of circuit to direct the *Criminal Judge** to commit the person so charged, for immediate trial, before the court of circuit; instead of postponing the commitment for trial at the ensuing session of the court of circuit. Provided that nothing in this section shall be considered to authorize the conviction or punishment of any person, charged with the crimes specified, until he shall have been regularly put upon his trial; or until any material evidence which he may have to offer in his defence shall have been received and duly considered.

Proviso for a regular trial; and full examination of evidence.

Section XXIII, Regulation VI, 1802, and Section XVI, Regulation XXXV, 1802, rescinded.

VII and VIII. *Omitted The Regulations, of which they rescinded particular Sections, having been since rescinded* in toto.

The rest of this Regulation is rescinded, by Section II, *Regulation* IX, 1816.

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* In the original *Zillah Magistrate.*

A. D. 1811. REGULATION VII*.

A REGULATION, for regulating the revenue derivable from the monopoly or exclusive sale of Tobacco, in the Provinces of Malabar and Canara.—Passed by the Governor in Council of Fort St. George, on the 10th September 1811.

WHEREAS it is expedient that the revenue derived by Government from the monopoly or exclusive sale of Tobacco, in the provinces of Malabar and Canara, should be collected under certain fixed rules; and that rules should be prescribed for punishing persons concerned in the illicit cultivation of Tobacco, or in any illicit traffic, dealings, or concern in Tobacco, within the said provinces;—Wherefore the Governor in Council has been pleased to enact the following Regulation, to have effect from the date of its promulgation. Preamble.

II. First. The cultivation of Tobacco, in the provinces of Malabar and Canara, is hereby expressly prohibited, excepting under licenses issued by authority of the Collectors. Cultivation of Tobacco in Malabar and Canara prohibited, excepting under license.

Second. No license shall be granted for the cultivation of Tobacco, to a less extent than ten maunds average produce. No license to be granted for the cultivation of Tobacco in small quantities.

* *Extended to Coimbatore, with the exception of clause third, Section* II; *by Regulation* VIII, 1811, *q. v.*

Tobacco cultivated under licenses to be delivered on account of Government at a regulated rate.

Third. The Tobacco which may be cultivated under clause First of this Section shall be delivered, on account of Government, at a fair rate, to be regulated by the Collector, with reference to the average prime cost of imported Tobacco, subject to the decision of the Board of Revenue.

Penalty for cultivating without a license, or for cultivating a greater quantity than that specified in the license.

Fourth. Persons who shall cultivate without a license, or persons holding a license, who shall cultivate a greater quantity than that specified in their license, shall, on conviction, be adjudged to be fined at the discretion of the judge; in a sum not exceeding three times the value of the Tobacco so cultivated; the value to be calculated at the government monopoly price. The Tobacco so cultivated shall moreover, be confiscated, and in the case of a person holding a license, such license shall be forfeited.

Fifth. The quantity specified in the license shall be calculated on the average crop: any quantity above or below the average crop, arising from peculiarity of season, shall form no ground of action against the cultivator, provided the surplus of deficiency be reported to the local officer, for the information of the collector.

Sale, transit, export and import of Tobacco prohibited, excepting on account of Government.

Under pain of confiscation and the farther penalties hereinafter provided.

III. The sale of Tobacco in the provinces of Malabar and Canara, and the transit, export and import of it, whether by sea or land, excepting on account of government, or with their express sanction, is hereby expressly prohibited; and all tobacco sold, conveyed, exported or imported, directly or indirectly, otherwise than as provided for in this regulation, shall be liable to seizure and confiscation, and the parties so offending shall be further liable

to such fine and punishment as are hereinafter provided.

IV. First. The sale of tobacco shall be subject to the immediate direction and control of the collector, and shall be conducted by that officer, in communication with, and under the orders of, the Board of Revenue.

Sale of Tobacco how to be conducted.

Second. Registers shall be kept by the Collectors of the quantity of Tobacco purchased, and sold, in the districts under their charge, whether for home consumption, or for export by sea or land, specifying the price of the Tobacco so purchased and sold in separate columns: such registers, with an abstract thereof, shall be transmitted, every three months, to the Board of Revenue.

Registers of purchases and sales to be kept and transmitted every three months to the Board of Revenue.

Third. The Collectors shall have authority to make advances for the purchase of Tobacco, when required; but they shall report to the Board of Revenue the amount of each advance, at the period of making it.

Advances for the purchase of Tobacco to be made by the Collectors as occasion requires.

V. The Collectors shall have authority to determine the places where Tobacco shall be sold, and the quantity of Tobacco to be purchased annually, for the consumption of their districts.

Collectors to determine the quantity of Tobacco to be purchased, and the places of sale.

VI. First. After the date of this regulation, all persons detected, directly or indirectly, in the illicit traffic, sale, import, or transit of Tobacco, shall, besides incurring the penalty of the seizure and confiscation of the Tobacco, be adjudged, on conviction, to be fined, at the discretion of the judge,

Penalty incurred by persons engaged in the illicit traffic, sale, import, or export of Tobacco.

in a sum not exceeding three times the value of the Tobacco seized, the value to be calculated at the government monopoly price.

Penalty incurred by persons affording aid or encouragement to the illicit traffic, sale, import, or export of Tobacco.

Second. In like manner, all persons convicted before a judge of affording aid and encouragement to such illicit traffic, by giving lodgement to the Tobacco within their houses, or otherwise assisting its clandestine importation, sale, or transit, shall be adjudged to pay the same fine as is prescribed in clause first of this Section, that is to say, a sum not exceeding three times the value, at the monopoly price, of the Tobacco which may be either found in their possession, or which, to the satisfaction of the judge, may be proved to have been smuggled through their connivance and assistance.

Gang smugglers how punishable on conviction for such crime.

VII. Any persons, to the number of three or more, who shall go forth, with any offensive weapon, for the purpose of smuggling Tobacco, or in order to be aiding and assisting in the illicit transit, export or import of that article; or who shall obstruct, oppose, or resist the seizure of Tobacco so smuggled, or attempted to be smuggled; or shall be aiding or assisting in rescuing or taking away the same after seizure, or in preventing the apprehending any person so offending, or in rescuing any person who shall have been apprehended for such offences, shall be committed for trial before the court of circuit; and, on due conviction thereof, shall be adjudged to be imprisoned and kept to hard labour, for a space not exceeding three years. Provided always that if, on consideration of any circumstance of violence or other criminal act, appearing on the trial, to aggravate the guilt of the

But criminal acts of violence done in prosecution of the original intention are declared liable to the same punish-

parties, it shall in the judgment of the court be just and necessary to inflict a more severe punishment, than imprisonment and labour for the term of three years, the offenders shall, in all such cases, be liable to the penalties declared in the several clauses of Section IV, Regulation XV of 1803, for similar acts of criminality, committed in prosecution of robbery by open violence.

ment as specified in Section IV, Regulation XV, 1803.

VIII. First. The Governor in Council reserves to himself the power of fixing the price at which Tobacco shall be retailed, and of increasing, or modifying, that price, as he may deem expedient. Whenever such increase or modification in the price may appear advisable, the Collector shall transmit his propositions for that purpose to the Board of Revenue; the Board of Revenue shall submit the same, with their opinion, to the Governor in Council, who will determine thereon: but in all such cases, the Collector shall transmit an attested statement of the new rules to the judge of the Zilla, who shall fix a copy of it in his court house, for general information.

Governor in Council may increase or modify the retail price of Tobacco.

Rules to be then observed.

Second. Persons buying Tobacco at the government depots, or authorized places of sale, and paying the established price for it, shall be exempted from the payment of any farther demand, on account of duty, customs, or otherwise, and shall receive a rowannah, certifying the purchase, authorizing the exemption, and specifying the quantity of Tobacco intended to be transported under it, the place where it was procured, whither intended to be transported, and the manner in which it is carried.

Payment of the price of Tobacco to exempt from the payment of duty.

A rowannah to be given.
Purport.

Third. Persons employed in retailing Tobacco

Persons employed

in the sale of Tobacco to be furnished with a written authority.

shall be furnished with a written authority, from the Collector, for that purpose, specifying the places where they are authorized to conduct the sales, and the rate of price.

And to pass written engagements to conduct the sales at the established rates, and according to the instructions of the collector, under such penalty as may be agreed upon.

Fourth. Persons employed in retailing Tobacco shall pass written engagements to the Collector, to conduct the sales at the established rates of price, and agreeably to his instructions, under such penalty as the Collector may deem sufficient, and the parties may agree to; and the amount of such penalty, when incurred, shall be recoverable by the general process in the courts.

Transit of Tobacco not to be permitted without a rowannah.

IX. First. Tobacco shall not be conveyed or transported, by land or water, within the provinces, without a rowannah from the proper officer.

Persons entrusted with the sale of Tobacco to be furnished with blank rowannahs.

Second. The Collectors shall furnish their subordinate officers, entrusted with the sale of Tobacco at the depots, with blank rowannahs, bearing their signature, to be written in such form as the Collectors may, from time to time, find it necessary to establish.

Rules for the conduct of the chouky officers on passing Tobacco.

Third. On the arrival of Tobacco at a chouky, the officer in charge shall ascertain whether the quantity corresponds with that stated in the rowannah; if so, he shall certify the same on the back of the rowannah, and pass it without delay.

Tobacco exceeding the quantity specified in the rowannah to be confiscated; and the party to be fined.

Fourth. If any person shall attempt to transport a greater quantity than that specified in the rowannah, the whole shall be liable to seizure and confiscation; and for the excess, above the quantity speci-

fied in the rowannah, he shall be liable to the fine provided for by clause First of Section VI.

Fifth. The Collectors shall keep correct registers of the blank rowannahs, delivered to their subordinate servants selling Tobacco, to be filled up; and shall adopt such checks, as they may think necessary to prevent the improper use, or application, of the rowannahs so delivered.

Registers to be kept of blank rowannahs, and checks to be adopted for preventing their improper use.

X. First. With a view the more effectually to restrain the illicit sale, transit, export or import of Tobacco, it is required of the magistrates, officers of police, collectors of revenue, and of customs, commercial residents, master attendants and beach masters, to assist in the suppression of illicit dealings in Tobacco, as far as they shall be found to prevail, within the limits of their respective jurisdictions.

Magistrates, officers of police, &c. to assist in preventing illicit trade in Tobacco.

Second. All officers of police shall comply with such applications as may be made to them by the collectors, commercial residents, or other officers of government, for assistance in the seizure of Tobacco illegally sold, conveyed, imported, or transported; or in the event of a public officer detecting such illicit practices, he shall report the case for the information of his immediate superior, detaining the Tobacco until he receive orders.

Police officers to comply with requisitions duly made for their assistance.

Third. All Tobacco seized under this regulation shall be delivered over, as soon as may be practicable, to the Collectors, or to such other person as they may direct: and the earliest practicable notice of all seizures shall be communicated to the Board of Revenue, who shall immediately proceed to take the

Tobacco seized how to be disposed of.

case into consideration, and are empowered to declare the confiscation of all Tobacco, which they shall determine to be liable to be confiscated.

Appropriation of the value of the Tobacco seized.

Fourth. One-third of the value of the Tobacco so seized, to be estimated on the average prime cost of it as purchased by government, to supply the monopoly, shall be paid to the person or persons, who shall have furnished the information; another third to the Collectors, commercial residents, their assistants or officers by whom the seizure shall be effected; and the remainder to Government.*

Punishment denounced against fraudulent transactions respecting Tobacco.

XI. First. Any person engaged in any clandestine, or fraudulent, transaction, with respect to rowannahs or passes, smuggling, or conniving at smuggling of Tobacco, purchasing, obtaining, selling, or weighing Tobacco, in an illicit manner, shall, on conviction, besides being fined at the discretion of the judge, according to the circumstances of the case, be liable, if in the service of the Company, to be declared incapable of serving Government in any capacity.

Farther punishment applicable to the case of officers of Government who may be guilty of abuse of trust.

Second. But in cases where any of the officers of Government shall be guilty of a criminal abuse of their trust, such as appropriating seizures of smuggled Tobacco to their own use and emolument, employing persons to carry on this traffic, or extorting contributions from smugglers, to allow their booty to pass unmolested; the offence shall be considered of sufficient criminality to be brought forward before the court of circuit; and, on conviction, the offenders shall be sentenced to imprisonment and hard labour, for a space not exceeding three years, and shall farther be liable to prosecu-

tion in the civil court for the recovery, on account of Government, of the fruits of their peculations and misdemeanors.

XII. If a person, convicted of any of the offences specified in this regulation, shall refuse, or omit, to discharge the penalty which shall be imposed on him, the judge shall proceed to levy the amount of the penalty, by issuing the same process against the property of the offender as is prescribed for enforcing other decrees of court. If property belonging to the offender, sufficient to make good the penalty, shall not be found, the judge shall commit him, for such period as he shall think proper, not exceeding six months, to confinement, in the jail for debtors, or in the criminal jail.

Penalties prescribed by this regulation to be enforced by the same process as decrees of the court.

In certain cases the judge to commit the offender to jail for a period not exceeding six months.

XIII. One-third of the amount of all fines, which may be levied under this regulation, shall be paid to the person, or persons, who shall have furnished the information; another third to the Collectors, commercial residents, or their assistants, by whom the offence shall have been detected and reported; and the remainder to Government.

Appropriation of the fines levied under this regulation.

XIV. All persons who shall become entitled to any of the rewards granted by this regulation shall be paid the same, either by the Board of Revenue, or by their order, in such manner as shall be convenient to the party entitled to receive the same, as soon as possible after the confiscation of the Tobacco shall have been duly decided upon, or the fines shall have been levied.

Rewards paid either by the Board of Revenue or Collectors.

XV. Whenever the judge shall deem any infor-

How a judge is to

proceed against persons giving false information.

mation lodged against persons for being concerned in dealings in contraband Tobacco, or in the illicit cultivation of that article, to be groundless and false, he shall cause the informer to make good, to the person accused, all charges which may have been incurred by him in consequence of the false information so lodged against him, together with such damages as the court shall deem it just to award, upon consideration of the circumstances of the case.

All enquiries under this regulation, shall be summary.

XVI. All enquiries made under this regulation shall be conducted, in a summary manner, by the judge before whom the information shall be given; subject to the general rules for appeal, from his decisions, to the provincial court of appeal.

Persons deeming themselves aggrieved under this regulation how to proceed.

XVII. Any person who shall deem himself aggrieved, under this regulation, by any act or orders done or issued by the Governor in Council, or by the Board of Revenue, or by any of the officers of Government, shall be at liberty to apply for redress in the manner prescribed in Section XV, Regulation II, of 1802.

Regulation to be promulgated throughout Malabar and Canara.

XVIII. This regulation shall be carefully published, and promulgated, in the districts of Malabar and Canara, in order that no plea of ignorance may be advanced in excuse for its infringement, and the Collectors, and officers, entrusted with the management of the monopoly, and sale, of Tobacco, shall cause translates of it, in the local language, to be suspended for general observation in their respective cutcherries.

A. D. 1811. REGULATION VIII.

A REGULATION, for extending to the province of Coimbatore, the monopoly or exclusive sale of Tobacco, established in the provinces of Malabar and Canara.—Passed by the Governor in Council of Fort St. George, on the 10th September 1811.

WHEREAS it has been deemed expedient to extend to the province of Coimbatore the monopoly or exclusive sale of Tobacco established in the provinces of Malabar and Canara; the Governor in Council has been pleased to enact the following rules.

Regulation VII, 1811, extended to Coimbatore with the exception of clause third, Section II.

II. First. The provisions of Regulation VII, A. D. 1811, are hereby extended to the province of Coimbatore, with the exception of clause third, Section II, of that Regulation.

Rates at which Coimbatore Tobacco is to be delivered to Government, how to be regulated.

Second. The Tobacco cultivated in Coimbatore shall be delivered, on account of Government, at such fair rates as may be agreed upon between the Collector and the cultivators, with reference to the prices of former years, and other circumstances tending to affect the value of the article; the rates, so determined, to be subject to the decision of the Board of Revenue.

A. D. 1812. REGULATION I.

A REGULATION, for rescinding Regulation XII, A. D. 1803, also Sections IX, X, XI, XII, XIII, and XIV, of Regulation XV, A. D. 1808, and in lieu of the duty therein prescribed, providing for the collection of a general inland duty on certain articles of merchandize imported by land from foreign states, or passing through, or sold within, the Territories subject to this Presidency; for determining the amount of the duty, and defining the rules under which it shall be collected.—Passed by the Governor in Council of Fort St. George on the 14th April 1812.

THE provisions of Regulation XII, of 1803, having been found insufficient for the purposes for which they were enacted, it has been deemed expedient to rescind the same; and, in lieu of the town and frontier duty therein prescribed, to re-establish a general inland duty on the import by land, transit, or sale, of certain articles, within the Territories subject to this Presidency. Wherefore the Governor in Council has been pleased to enact this regulation, to take effect from and after the date of its promulgation.

Regulation XII, A. D. 1803, and Sections IX, X, XI, XII, XIII, and

II. Regulation XII, of 1803, denominated "a "Regulation for levying a duty on goods imported "by land from, and exported to the Territories of

"foreign states in India, and on articles of mer-"chandize produced, or manufactured, or consumed, "in certain towns and places; for determining the "amount of duty; and for defining the rules under "which that duty shall be collected;" and also Sections IX, X, XI, XII, XIII, and XIV, of Regulation XV, A. D. 1808, framed in modification of Regulation XII, A. D. 1803, are hereby rescinded.

XIV, of Regulation XV, A. D. 1808, rescinded.

III. A general inland duty shall be levied on certain* goods and merchandize, imported by land into, or passing through, or sold within, the Territories subject to the Presidency of Fort St. George, under the provisions of this regulation, to be denominated a general inland duty.

A general inland duty to be levied on the import by land, transit, or sale, of certain articles.

IV. The collection of the general inland duty shall be entrusted to the † Collectors of Revenue.

The collection of the general inland duty vested in the collectors of revenue.

V. First. Chokies for the collection of the general inland duty shall be established at certain stations in each district, to be regulated by the Collectors, under the orders of the Board of Revenue, so as to embrace within their limits the principal towns, bazars, and roads throughout the country.

Chokies to be established and regulated by Collectors, under the orders of the board of revenue.

Second. The names of the Chokies which may be established in each district, under the orders of the Board of Revenue, shall be published and certified. Lists shall be affixed for general information at the principal cutcherry of the several Collectors,

Names of chokies to be published and certified. No duty to be levied except at the established chokies.

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* *Those specified in the tariff mentioned in Section* VI, *vide Section* VII.

† *It may be rented under Regulation* V, 1821.

and at each chokey; and no duty shall be collected except at the established chokies.

A tariff or table of rules to be kept at each chokey.

VI. First. A tariff, or table, of the prices of goods and merchandize, shall be kept in each chokey, under the signature of the Collector, for public information.

Tariff how to be regulated.

Second. The tariff shall be regulated by the Collectors, under the orders of the Board of Revenue, subject to the confirmation of the Governor in Council.

Value of goods to be ascertained by tariff.

Third. The value of all goods passing through, or sold within, the limits of a chokey, shall be ascertained by the tariff.

Rate of duty.

VII. First. The general inland duty, prescribed by this regulation, shall be levied at the rate of 5 per cent. on the goods and merchandize enumerated in the tariff; and no duty shall be levied except on articles so enumerated.

Attested lists of the description of goods liable to duty to be affixed at the collector's cutcherry and at each chokey.

Second. Attested lists, of the description of goods and merchandize liable to duty, under this regulation, shall be affixed, for public information, at the principal cutcherry of the Collectors respectively, and at the several chokies throughout each district.

General inland duty payable once only; certificate of payment to pass goods by land except into Madras or into Malabar and Canara.

VIII. The general inland duty shall be payable once only, and the certificate of the first payment shall pass the goods, by land, throughout the Territories under this Presidency; except into the limits of the town of Madras, or into the provinces of Canara and Malabar. In the former case, they are declared

liable to the further duty prescribed by Regulation III; and, in the latter, to the duty prescribed, under the special rules hereinafter enacted, for the collection of duty in the provinces above mentioned.

IX. First. Goods or merchandize, having paid the general inland duty, shall be allowed to pass the frontier, by land, into the Territories of Native powers, free of further demand, on the production and delivery of the certificate granted for the first payment.

Certificate of payment of the general inland duty to pass goods across the land frontier into the territories of native states.

Second. Goods passing, by land, from the Company's Territories, into the settlements of foreign European nations, or vice versa, from such settlements into the Company's Territories, shall be subject to the same duty to which they would have been liable, if they had been exported or imported on foreign vessels by sea.

Exports or imports by land, from settlements of foreign European nations, subject to the same duty as if imported or exported on foreign vessels by sea.

X. Goods imported by the land frontier, from the Territories of Native powers, shall pay the general inland duty at the rate of five per cent., as provided by this regulation, at the frontier chokey; and the certificate granted, for such payment, shall pass the goods free, in like manner, and under the same exceptions, as if they had been manufactured or produced in the Territories subject to this Presidency.

Goods imported by land from the territories of Native powers to pay the general inland duty at the frontier.

XI. The general inland duty, prescribed by this regulation, is hereby declared separate and distinct from the duty directed to be levied under Section IX, Regulation II; and goods of merchandize, having paid the general inland duty, shall nevertheless, if

General inland duty declared separate and distinct from the sea duty prescribed in Section IX, Regulation II.

exported by sea, be liable to the duty provided for in the section above quoted.

Goods imported by sea having paid certain duties provided in Regulations II and IV, to pass by land through the Madras territories or into those of Native powers free of further demand.

XII. Goods and merchandize imported by sea, on which the duty provided for in Sections II and VIII, of Regulation II, and in Section IV, of Regulation IV, has been paid, shall, on the production of a certificate to that effect, pass throughout the Territories under this Presidency, or across the frontier into the Territories of Native powers, without further demand.

Special rules for Canara and Malabar.

XIII. First. The provisions of this regulation are hereby extended to Canara and Malabar; under the rules contained in the following clauses of this section.

The collection of hawlut duty in Canara to continue on certain articles; the rate how to be determined.

Second. The duty denominated hawlut duty shall continue to be levied, in the province of Canara, on pepper, betel nut, cardamums, and sandal wood; the rate of this duty shall be determined by the Collector, under the orders of the board of revenue, subject to the confirmation of the Governor in Council.

Salt imported from Goa liable to a particular duty.

Third. Salt imported into the province of Canara, under the provisions of Section IX, Regulation I, A. D. 1805, from the territory of Goa, shall be liable to a duty, the rate of which shall be determined in the manner prescribed in the preceding clause.

Exemption declared in Section VIII, to operate in Canara and Malabar to the extent only of payment specified in the rowannah.

Fourth. The exemption prescribed in Section VIII, in favour of goods that have once paid the general inland duty shall exempt goods imported into Canara and Malabar to the extent only of the sums specified in the rowannahs, and they shall be

liable to a further demand of 5 per cent. on the difference between the tariff of those provinces and that of the place where the duty was first paid.

Fifth. In levying the excess of duty, as provided for in the preceding section, the acquittance to be passed, in such cases, by the officer levying the duty, shall be certified on the original rowannah produced, by describing the "Rates" "Total value" and "Total Customs" due on the goods imported according to the local tariff, and whatever the difference may be between the government customs already received, as specified in the rowannah, and those due, shall be receipted in the following manner.

Form of acquittance to be passed on levying excess of duty.

Balance of Malabar Customs due and received at . . . . . (Name of port or town) this day of } Star Pagodas. "

to be signed and sealed by the Native officer.

Sixth. A table of the rates of the duties prescribed in clauses second and third of this section shall be certified by the Collector and shall be kept for general information at his principal cutcherry; a copy thereof, under the seal and signature of the Collector, shall also be kept in the several chokies at which the duties may be payable.

Table of the rates of duties leviable under clauses second and third of this section to be affixed at the Collector's cutcherry and attested copy at each chokey.

XIV. First. Cotton and cotton thread are hereby declared exempt from the duty prescribed in this regulation, excepting on exportation by the land frontier to the territories of Native powers or to the settlements of foreign European Nations. In the former case they shall be charged with the aggregate

Cotton and cotton thread exempted from duty, excepting on exportation by the land frontier, or into the settlements of foreign European nations.

duty of eight per cent ; and in the latter case, with the same duty to which they would be liable if exported on foreign vessels by sea.

Grain exempted from duty under similar exceptions.

Second. Grain of all kinds shall also be exempt from the duty prescribed in this regulation, excepting on exportation by the land frontier or into the settlements of foreign European Nations, in which case it shall be charged with a duty of 3 per cent. on the tariff price.

Third. *Rescinded by Section* IV, *Regulation* VII, 1819.

Commercial residents to furnish their subordinate agents with certificates for the dispatch of goods from weaving villages to the factory.

Fourth. Commercial residents employed in the provision of the Honorable Company's investment shall be careful in furnishing to their copdars, head weavers, gomasthas or other officers in the country blank certificates, under their seal and signature, to be filled up as occasion may require, for the dispatch of goods from the weaving villages to the factory.

These certificates to be registered and compared with actual deliveries ; commercial residents and their officers answerable for abuse in their issue, under a prescribed penalty.

Fifth. Certificates so granted shall be carefully registered and compared with actual deliveries ; and commercial residents and their subordinate officers will be held answerable for any abuse in the issue of such certificates ; and any goods not the property of the Honorable Company, passed under cover of such documents, shall on discovery, be liable to the same penalties as are hereafter provided by Section XIX, of this Regulation.

Military stores not to be allowed to pass without regular certificates.

XV. First. Military Stores shall not be suffered to pass the chokies, unless accompanied by regular certificates, conformably to the general orders

which have been, or may be published by the authority of the Governor in Council respecting the transit of stores of that description.

Second. Military Stores shall be construed to comprehend.

What shall be considered as Military Stores.

1. Salt Petre, } *Part omitted under Section* VI,
2. Gun Powder, } *Regulation* V, 1821, *q. v.*
3. Cannon.
4. Musquets.
5. Carbines.
6. Bayonets.
7. Bullets.
8. Match-locks.
9. Pistols.
10. Swords.
11. Pikes.
12. Spears.
13. Nyrs' knives.

Third. Articles of the above description attempted to be imported from foreign settlements or from the territories of native powers shall be seized and the circumstances reported, without delay, to the Board of Revenue.

Military stores attempted to be imported from foreign territories to be seized and report to be made to the Board of Revenue.

Fourth. The provisions of this Section shall not however be considered to apply to fowling pieces, pistols, or other fire arms, in possession of individuals for private use.

Exception in favor of fire arms for private use.

XVI. First. Chokeydars or other officers employed in the collection of the duties established by this regulation, shall be furnished with a written

Officers employed in the collection of general inland duty to be furnished with

a written instrument signed and sealed by the Collector.

instrument, signed and sealed by the Collector of the district in which they may be employed.

Chokeydars to use an official seal or chop.

Second. Chokeydars shall also be furnished with an official seal of one inch in diameter, engraved with the name of the chokey station, in the English and local language of the province respectively.

Duty on goods arriving at a chokey to be ascertained, and the goods cleared without delay.

Third. On the arrival of goods or merchandize at the chokies, the duty assessible thereon shall be ascertained and demanded and the goods cleared without delay.

All piece goods to be stampt with the official seal or chop of the chokeydars.

Fourth. When the articles consist of piece goods, they shall, on the payment of the duty prescribed by this regulation, be stampt with the official seal of the chokeydars.

Of gruff goods, a certain portion to be weighed, on which an average is to be calculated, and the duty to be levied on the aggregate.

Fifth. When articles consist of gruff goods, a certain quantity shall be taken and weighed; an average of the whole quantity shall be calculated thereon, and the duty levied on the aggregate.

Blank rowannahs to be furnished to chokeydars.

XVII. First. Blank rowannahs, or certificates in a prescribed form, bearing the official seal and signature of the Collector, shall be furnished to the chokeydars or subordinate officers of revenue entrusted with the collection of the inland duty.

Rowannahs to be numbered in the English and local language.

Second. The rowannahs shall be numbered in the English and local language of the district respectively.

A register of rowannahs issued to be kept by Collectors;

Third. A correct register of blank rowannahs delivered to chokeydars, shall be kept by the Col-

lectors of revenue, and a return of such rowannahs, according to a prescribed form, shall be furnished by the chokeydars respectively.

and returns in a prescribed form to be made by chokeydars.

Fourth. Any person having paid the general inland duty shall be entitled to a rowannah.

Rowannah to be granted on payment of duty.

Fifth. Any person, having passed goods at chokies and paid the duty and obtained a rowannah for the whole quantity, who may afterwards wish to divide such goods into separate parcels, shall be entitled, on returning the original rowannahs, to receive a separate rowannah for each parcel, certifying that the duty has been paid on the goods contained therein.

Persons returning the original rowannah may have separate rowannahs for the goods specified therein, divided into separate parcels.

Sixth. In like manner, any person having disposed of only part of the goods, on which he may have paid inland duty, and wishing to proceed with the remainder, shall, on identifying the goods at the chokey and delivering up the original rowannah, be entitled to a fresh rowannah for such remaining goods, certifying that the duty has been paid upon them.

Persons having sold a part of their goods entitled to a rowannah for the remainder, on identifying the goods.

Seventh. Chokeydars employed in the collection of the general inland duty shall pass goods, which may be produced to them with a rowannah, specifying that the duty has been paid; but when they shall arrive at the place specified in the rowannah as that to which they are consigned, the custom officer of the station shall carefully examine the quantity and quality of the goods, to ascertain whether they correspond with the quantity and quality described in the rowannah; if any of the goods

Chokeydars to pass goods accompanied by a rowannah specifying that duty has been paid; and, on their arrival at the place stated in the rowannah as that of their destination, to examine the goods; penalty to which goods are liable, if differing from the rowannah.

shall then be found to differ from those specified in the rowannah, the whole quantity attempted to be passed under such rowannah, shall be subject to the penalties hereinafter provided in Section XIX of this Regulation.

Chokeydars to enter in a register of a prescribed form, the number and description of the rowannahs, designation of the Collector and quantity of goods, and to certify on the rowannah that no further duty has been paid.

Eighth. Chokeydars passing goods, on the production of a rowannah certifying that duty has been paid, shall enter in a register, to be kept in a prescribed form for that purpose, the number of the rowannah, the official designation of the Collector, whose seal and signature it bears, and the quantity of the goods; and shall certify on the rowannah, under their seal and signature, that no further duty has been levied on the goods mentioned therein.

On the arrival of goods at the place of destination specified in the rowannah, to be delivered to the chokeydars and by them forwarded to the Collectors to be transmitted to the respective Collectors who issued them.

Ninth. On the arrival of goods or merchandize at the place of ultimate destination specified in the rowannahs, the rowannahs shall be delivered up to the chokeydars, and shall be sent by them, along with the registers mentioned in the preceding clause, to the Collectors under whom they are employed; and such of the rowannahs, so delivered up, as may have been issued in another district, shall be forwarded to the Collector of such district, in order that they may be compared with the returns and accounts of the chokeydars respectively.

Where new rowannahs may be issued, in exchange for original rowannahs, the original rowannahs to be transmitted to the Collectors and by them to the respective Collectors who issued them.

Tenth. In cases also in which new rowannahs may be issued for separated parcels of goods, and the original rowannahs may be delivered up under the provisions of clauses fifth and sixth of this section, the said original rowannahs shall be forwarded to the Collectors in the manner and for the purpose mentioned in clause ninth.

Eleventh. It is to be understood that no duty is to be demanded on goods or merchandize exposed for sale in towns or places situated within the immediate limits of chokies, it being to be presumed that such goods have been charged with the duty on transit through the chokies to the place of sale; from this rule, however, piece goods are excepted, the payment of the duty on which is ascertainable by the stamp or chop; and all piece goods exposed for sale, without bearing the chop, shall be liable to the same penalties as are hereinafter provided by Section XIX of this Regulation.

No duty demandable on goods exposed for sale within the limits of chokies with the exception of piece goods.

XVIII. *Rescinded by Section* XI, *Regulation* V, 1821.

XIX. First. Goods or merchandize having passed, or attempting to pass a chokey without payment of the duty, shall be liable to seizure and confiscation.

Goods passing or attempting to pass without payment of duty liable to confiscation.

Second. Whenever goods shall be detained on the ground of their being liable to confiscation, the Collector shall, with all practicable expedition, report the case for the determination of the Board of Revenue.

Each case of this kind to be reported to the Board of Revenue.

Third. The Board of Revenue are empowered to direct the release of any articles, which may have become liable to the penalty of confiscation; or to order double or treble duties to be levied upon them in lieu of that penalty, in cases in which there may appear grounds, for the remission or mitigation of such penalty.

Confiscation may be remitted or mitigated.

Division of the proceeds of the sale of confiscated goods.

XX. First. In order to afford encouragement to persons to give information which may lead to the detection of attempted fraud on the customs, and to secure a vigilant attention to their duty on the part of the officers of government employed in the customs, the following division shall for the future be made of the amount sales of all confiscated goods: the full amount of the duty payable on all confiscated goods shall be deducted from the amount sales and carried to the public account; one half of the remainder shall then be divided between the Collectors and their subordinates, in such proportion as the Governor in Council shall direct, and the other half in equal shares, or otherwise, at the option of the Board of Revenue, between the informer and the officers making the seizure; or, if there be no informer, the whole shall be paid to the latter.

Division of the proceeds of the double or triple duties where such may be levied.

Second. Whenever goods liable to confiscation shall be released on payment of double or treble duty, levied as the case may be adjudged to deserve, the person, on whose information they may have been seized and the officers seizing them, shall be entitled, as compensation, to a division of the surplus duty, in the same proportion as if confiscation of the whole had taken place.

Magistrates empowered to determine all charges against persons defrauding the customs, or receiving, purchasing, or

XXI. First. Magistrates* are empowered to hear and determine all charges against persons for being concerned in any attempt to defraud the customs, or for receiving, purchasing, or secreting any

* *Criminal Judges where the Customs are* not *rented by Section* XLIV, *Regulation* IX, 1816, *and Section* IX, *Regulation* V, 1821.

article liable to duties, knowing it to have been smuggled; and to punish the offenders, on conviction, by imposing upon them such fine to government, as the case may seem to deserve: but the fine is in no case to exceed the sum of one hundred arcot rupees.

secreting smuggled goods.

Extent of fine to be levied.

Second. When persons convicted of defrauding the customs may omit or refuse to pay the amount of the fine awarded against them, or when persons may be convicted of a repetition of the offences described in the preceding clause, magistrates* are empowered to commit them to the jail of the zillah, to be kept to hard labour on the public works for a term not exceeding three months, according as they may think proper, upon consideration of the circumstances of the case. Provided, however, that the authority hereby given being intended to restrain habits of fraud among the idle and dissolute classes of society, and persons of notorious bad characters, who may be found to be incorrigible by other means, magistrates* shall be careful not to adjudge to hard labour on the public works any person whose situation and circumstances in life may appear to exempt him from this part of the penalty. In this case the imprisonment shall be held as an equivalent to the fine; and, at the expiration of the period fixed, the party shall be discharged.

Punishment to be inflicted on persons not discharging the fine, and on persons convicted of a repetition of this offence.

Proviso.

XXII. No collections whatever, either as customs, duties, commission, fees, or under any other denomination, shall be levied by any of the officers

No collections to be made by officers of the customs, but such as are authorized by this or some future regulation.

* *Under the limitation, fixed by Section* XLV, *Regulation* IX, 1816, *q. v. beyond that limitation by the Criminal Judge.*

employed at the custom houses or chokies, excepting such collections as are, or may be authorized by this regulation, or by any other regulation which shall be hereafter enacted in the prescribed manner.

Penalty of dismission for a breach of the foregoing rule.

XXIII. Any native officer proved to have been guilty of a breach of the rule contained in the foregoing section, will of course be liable to be dismissed from his employment, *part omitted* Regulations I, 1809, and V, 1811, *referred to, having been rescinded.* Complaints against native officers employed in the collection of the customs for offences of this nature, shall moreover be considered cognizable by the magistrates,* and any such native officer, on being convicted before a magistrate of having detained, or stopped goods in any unauthorized manner; or of having exacted, under any plea or pretence whatever, as present, fee, or other consideration for the passage of goods or otherwise, in violation of the regulations of government, shall be deemed guilty of extortion, and be liable to be sentenced to pay a fine, not exceeding two hundred rupees, and to imprisonment, not exceeding six months, or to corporal punishment, not exceeding thirty rattans, according to the nature and circumstances of the case, and the condition in life of the offender, and, if the fine so adjudged be not paid, it shall be commutable to a further period of imprisonment, not exceeding six months, as provided with respect to other sentences of the magistrate by Section XII, Regulation IV, 1811. The party aggrieved, shall, at the same time, be at liberty

Complaints for such offences to be moreover cognizable by the magistrates;

and to be punishable by fine and imprisonment or stripes as circumstances may warrant.

The party aggrieved may also sue for damages.

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* *Under the limitation, fixed by Section* XLV, *Regulation* IX, 1816, *q. v. beyond that limitation by the Criminal Judge.*

to prosecute the offender for damages in the civil court.

XXIV. All native persons, not being officers employed by government in the collection of the government customs, or authorized by any regulation to collect customs or duties, who shall exact customs, or duties, of any denomination, on any pretence whatsoever whether as principals or agents, shall likewise be deemed guilty of extortion, and, on conviction before a magistrate,* shall be liable to the penalties of fine and imprisonment to the same extent, and with the same qualification for commuting the fine to further imprisonment, if it be not paid, as the magistrate is empowered to adjudge against native officers convicted of extortion under the preceding section and the party aggrieved shall, in like manner, be also at liberty to prosecute the offender for damages in the civil court; but nothing contained herein shall be construed to authorize the magistrate to inflict corporal punishment in any such case, on any ground whatever.

Penalty and punishment to which persons not being officers employed by government in the collection of the customs will be subject, who shall exact customs or duties on any pretence whatsoever.

Exception of corporal punishment.

XXV.† With a view to provide against the embezzlement of the public money, or improper detention of papers or accounts, by native officers of this department, the provisions in Regulation XXXIII,‡ 1802, are hereby declared to apply to all descriptions of native officers who may be employed under the present regulation, and who may be entrusted with the receipt of money, or the charge of accounts.

The provisions of Reg. XXXIII, of 1802, relative to cases of embezzlement of the public money, or detention of papers, extended to officers of the customs.

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* *Under the limitation, fixed by Section* XLV, *Regulation* IX, 1816, *viz. beyond that limitation by the Criminal Judge.*

† *Vide Section* XX, *Regulation* II, 1812.

‡ *Vide Section* XIX, *Regulation* IX, 1822.

Rules under which complaints against European officers employed in the collection of the customs are to be tried and determined.

XXVI.* Regulation III, 1809, already prescribes certain rules, general and special, which are to be observed in regard to all complaints instituted against European officers employed in the collection of the government customs, for acts which, under the regulations in force, may be cognizable in the zillah courts. It is hereby further provided, that, in cases in which the Governor in Council, under the rule contained in Section III of that regulation, may order any such complaint to be tried in a zillah court, either as a public suit against government, or as a private suit against the party whose acts are complained of, the several rules in force relative to suits preferred against collectors of the land revenue, in matters in which they are in like manner amenable to those courts, shall be applied (as far as the same may be applicable to the particular case) to the whole of the proceedings in the suit in question, and to the enforcement of the judgment when finally passed; as well as to the appropriation or disbursement of the sum or sums which may be adjudged in favour of either party as costs or damages therein.

Powers to be exercised by the Board of Revenue in regard to such cases.

And the Board of Revenue shall exercise the same discretionary power and control in regard to conducting the defence of any suit, if it be a public suit, (as well as in regard to prosecutions which may be instituted at the suit of government), and to carrying the suit through the different stages of appeal if necessary, as they would exercise in the like cases relating to suits connected with the land revenue.

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* *Vide Section* XX, *Regulation* II, 1812.

A. D. 1812. REGULATION II.*

A REGULATION, for modifying certain parts of the existing regulations respecting the duties leviable on imports and exports by Sea at the port of Madras, and at the several ports in the provinces subject to the authority of the Government of Fort St. George.—Passed by the Governor in Council of Fort St. George, on the 14th April 1812.

WHEREAS it has been deemed expedient to amend the rules and alter the rates established for the collection of sea customs at the port of Madras and subordinate ports under this Presidency, and to modify certain sections and clauses of Regulations IX and XI, A. D. 1803, and of Regulations XIV and XV, A. D. 1808; the Governor in Council has been pleased to enact this regulation to take effect from and after the date of its promulgation. Preamble.

II. First. Section VI, Regulation IX, 1803, is hereby rescinded. Section VI, Regulation IX, 1803, rescinded.

Second. Duties, under the denomination of government customs, shall be levied on all articles (except as hereinafter excepted,) imported by sea at Madras from ports not under this Presidency, on British vessels, or on vessels belonging to native inhabitants of the British territories, or to subjects of Duties on imports at Madras on British or Asiatic vessels from ports not under this Presidency to be levied at 8 per cent.

* *Vide Regulation* II, 1816.

the native powers of Asia, at the rate of eight per cent on the value of such articles computed at the tariff prices.

Duties on imports at Madras on vessels of the same description from ports under this Presidency to be levied at 8 per cent, but the certificate of export duty to be received in part.

Third. Duties, under the denomination of government customs, shall be levied on all articles (except as hereinafter excepted) imported by sea at Madras on vessels of the above description from ports or places under the Presidency of Fort St. George, at the rate of eight per cent on the value of such articles computed at the tariff prices, but the certificate of export duty paid at the subordinate ports shall be received in part payment.

Additional duty of 2 per cent on certain piece goods.

Fourth. Piece goods imported by sea into Madras for the use of the place, usually classed under the term, *Puttanatiram*, which shall exceed in value 20 pagodas per corge, shall be subject to a duty of two per cent, in addition to the duty prescribed in clause third.

Cotton imported by sea into Madras exempt from duty.

III. Cotton, on importation by sea into Madras, shall not be subject to the payment of any duty whatever.

Grain imported from ports and places under this Presidency exempt from import duty;

but liable to a sea duty on export at subordinate ports.

IV. Grain of all descriptions imported by sea at Madras from ports and places under the Presidency of Fort St. George is hereby declared to be exempt from the duty specified in Regulation XIV, 1808, and shall henceforward be subject only to an export duty of 3 per cent at the subordinate ports.

Section X, Regulation IX, 1803, and Regulation V, 1809, rescinded.

V. First. Section X, Regulation IX, 1803, and Regulation V, 1809, are hereby rescinded.

Second. The duties leviable on betel, tobacco, ganja, bang, goodauk, opium,* and betel nut, imported by sea into Madras, shall be the same as the duties provided by Regulation III, to be levied on the importation of those articles into Madras by land.

Import duty on betel, tobacco, ganja, bang, goodauk, opium, and betel nut, to be the same as that provided by Regulation III.

Third. Areca nut, classed under the term kottepauku, or "Raw Nuts" shall on importation at Madras be charged with duty at the same general rate as other articles, viz. 8 per cent.

Areca nut termed kottepauku, or raw nut, to be liable to the same import duty as other articles.

VI. First. Importers of goods from ports or places not under the Presidency of Fort St. George, declared at the time to be intended for re-exportation, shall nevertheless be required to deposit the amount of the duty prescribed by this regulation.

Full duty to be deposited for goods expressly intended for re-exportation.

Second. Goods imported expressly for re-exportation, declared as such according to the provision of the preceding section, shall on re-exportation, be allowed a drawback of 2-3ds of the amount duty deposited on importation, subject however to the following provision.

Drawback of 2-3ds of the deposited duty to be allowed.

Third. That they shall be re-exported within six calendar months from the date of importation and regularly passed through the custom house and included in the manifest of the export cargo.

The goods must be re-exported within six months.

Fourth. No drawback shall be allowed on the re-exportation of articles imported, forming only a part of the package in which they were imported, or on any package that may not be entire as imported.

And in entire packages.

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* *Vide Section* II, *Regulation* III, 1818.

A drawback of 3 per cent to be allowed on Indigo in certain cases.

VII. A drawback of 3 per cent on a fixed valuation of 204 pagodas, 26 fanams and 15 cash per candy, shall be allowed on all Indigo exported for Europe on British vessels that may be proved by the production of certificate to have previously paid the general inland duty of 5 per cent as well as the sea duty of 3 per cent, at any of the subordinate ports, or the additional 3 per cent duty leviable on importation by land at Madras; it being intended, and it is hereby declared that Indigo so exported shall be liable to a duty of 5 per cent only in the aggregate, at the valuation above stated.

No export duty to be levied on goods exported from Madras on British or Asiatic vessels except that specified in the following section.

VIII. No export duty shall be levied on goods exported from Madras on British vessels or on vessels belonging to native inhabitants of the British territories in India, or to subjects of the native powers in Asia, excepting the duty specified in the section following.

Cotton declared liable to a duty of 8 per cent on export on British vessels.

IX. Cotton exported from Madras on British vessels shall be liable to a duty of 8 per cent, on a valuation of 30 pagodas per candy of 500lbs. unless it shall be proved, by the production of a certificate, to have already paid that duty, under Section X of this Regulation.

Section VIII, Regulation XV, 1808, rescinded.

X. First. Section VIII, Regulation XV, 1808, is hereby rescinded.

Imports at subordinate ports on British or Asiatic vessels, from ports not under this Presidency to be levied at 8 per cent.

Second. Goods imported at any of the subordinate ports on British vessels, or on vessels belonging to the natives of any of the British dependencies in India, or to subjects of the native powers of Asia, from ports or places not subject to the

Presidency of Fort St. George, shall be liable to a duty of eight per cent on the value of such articles, computed at the tariff prices.

Third. Goods imported at any of the subordinate ports, on vessels of the above description, from ports subject to the Presidency of Fort St. George, shall be exempt from the import duty of eight per cent, on the production of a certificate, shewing that sea duty, whether export or import, has been once levied on such goods.

Imports at subordinate ports from ports under this Presidency conditionally exempt from import duty.

Fourth. No import duty shall be levied on cotton.

Cotton exempt from import duty.

XI. First. Section XVI, Regulation XI, 1803, is hereby rescinded.

Section XVI, Regulation XI, 1803, rescinded.

Second. An export duty, at the rate of eight per cent, shall be levied on the value of all goods and merchandize exported from any of the subordinate ports, on British vessels, or on vessels belonging to natives of the British settlements in India, or to subjects of the native powers of Asia.

An export duty of 8 per cent to be levied on exports on British and Asiatic vessels at subordinate ports.

Third. The certificate of the payment of the general inland duty shall be received in part payment of the duties prescribed in the preceding clause.

Certificate of inland duty to be taken in part payment of the above duty.

XII. Cotton exported from subordinate ports shall be liable to the same duty as is prescribed in Section IX of this Regulation, to be levied on its exportation by sea from Madras.

Cotton exported from subordinate ports liable to the same duty as on export at Madras.

XIII. First. Section XXXV, Regulation IX, 1803, Section XVIII, Regulation XI, 1803, and

Section XXXV, Regulation IX, and XVII, Regulation

XI, 1803, and Section XVIII, Regution XV, 1808, rescinded.

Section XVIII, Regulation XV, 1808, are hereby rescinded.

Duty on transhipping goods to be the same as if imported.

Second. Goods transhipped, in the roads of Madras, and the subordinate ports, from one vessel to another, being British vessels, or vessels belonging to native inhabitants of the British territories, or to subjects of the native powers of Asia, shall be charged with duties at the same rate as if the goods had been imported. Provided, however, as the operation of this rule may, under particular circumstances, prove oppressive, the collectors of customs shall be at liberty, should they see fit, to suspend the execution of it, and to report the reasons thereof, for the information and orders of the board of trade.

Proviso.

Articles liable to duty to be enumerated.

XIV. All articles liable to sea duty shall be enumerated in a list, to be submitted to government by the board of trade, and no duty shall be levied except on articles so enumerated.

Goods, the property of the Crown, exempted from duty, but not those furnished by contractors.

XV. Provisions and stores for the use of His Majesty's navy which are the immediate property of the Crown, certified as such by the public officer, shall be passed free of duty; but articles of provision furnished to His Majesty's squadron by contractors or their agents, are not to be exempted from the payment of the prescribed duties.

Penalties for sailing without port clearance.

XVI. In order to prevent the practice of ships sailing from ports without the port clearances specified in Section XLIX, Regulation IX, and Section XXXI, Regulation XI, A. D. 1803, and which voucher is necessary to ensure due payment of duties and port charges at the different ports under this Pre

sidency, commanders of all vessels importing from such ports shall be required to produce, along with the documents specified in Section XII, Regulation IX, A D. 1803, their port clearances from the last port, and, on failure, shall be liable to a penalty of 25 pagodas, to be paid, or security given, before any goods are permitted to be landed or shipped from the vessel so importing.

XVII. Arms, ammunition and military stores, with the exception of fowling pieces, pistols, or other arms in the possession of individuals for private use, shall not be imported into or exported from any port under this Presidency, without express permission from the Governor in Council, and a full compliance with all such rules and conditions as may be prescribed by the orders of government for the guidance of the officers in charge of the collection of customs, in respect to such imports or exports.

Arms, ammunition and military stores not to be exported or imported without license.

XVIII. First. Regulation XVI, 1803, is hereby rescinded; and the provisions of Regulation XI, 1803, as modified by this Regulation, are hereby extended to the provinces of Malabar and Canara, subject to the following special rules.

Regulation XVI, 1803, rescinded, and Regulation XI, 1803, extended to Malabar and Canara.

Second. The collection of the government customs to be levied on imports and exports by sea at the ports of the provinces of Malabar and Canara, shall be entrusted to a covenanted civil servant of the Company, who shall be styled "Collector of "sea customs in Malabar and Canara," with a covenanted civil servant as his deputy.

Government sea customs in Malabar and Canara to be collected by a collector of customs, with a deputy.

Third. The collector of the government sea

The collector of cus-

toms and his deputy to be subject to the authority of the board of trade.

customs established by this regulation, and his deputy, shall be subject to the authority of the board of trade.

Seals of office.

Fourth. The collector and his deputy shall severally use a square seal, two inches in diameter, bearing an inscription to the following effect, in the Persian language, and in the language of the district, " The seal of the collector of sea customs in Malabar and Canara." The seals shall remain in the custody respectively of the collector and his deputy.

Oath of office to be taken by the collector of customs and his deputy.

Fifth. Previously to entering upon the execution of the duties of their respective offices, the collector and his deputy, shall take and subscribe the following oath, before the Governor in Council or any person whom he may empower to administer the same: " I, A. B. do solemnly swear, that I will faithfully discharge the duty of the collector (or deputy collector) of sea customs in Malabar and Canara; that I will not, directly or indirectly, by myself or others, be concerned in or allow of any collections being made, but such as are or may be hereafter authorized by and brought to the credit of government; that I will not be concerned, directly or indirectly, in the purchase of any goods or commodities in the British dominions, subject to the immediate authority of the Presidency of Fort St. George, for the purpose of remitting money to Europe, or in any commercial transaction; that I will not take or receive, or knowingly allow any person to take or receive, any present, gratuity, fee or advantage whatever, on account of any matter relating to the duty of my office, excepting such

as now is or may be hereafter authorized by the Governor in Council.

"SO HELP ME GOD."

Established office hours.

Sixth. The several custom houses shall be open for the transaction of business, every day (Sundays excepted) from ten o'clock in the forenoon, until four o'clock in the afternoon.

Section XXIV, Regulation XI, 1803, and Sections XV and XVI, Regulation XV, 1808, rescinded.

Seventh. Section XXIV, Regulation XI, 1803, and Sections XV and XVI, Regulation XV, 1808, are hereby rescinded.

Particular duty to be levied in Canara on export by sea of rice, paddy, betel nut, pepper, cardamums and sandal wood, and in Malabar with additions and exceptions.

Eighth. A particular duty shall be levied in Canara on exports by sea of rice, paddy, betel nut, pepper, cardamums and sandal wood, and in Malabar on exports of the same articles, with the exception of rice and paddy, and with the addition of nutmegs and cassia.—The rates of duty shall be determined by the collector of customs, under the orders of the board of trade, subject to the confirmation of the Governor in Council.

Table of rates to be certified by collectors.

Ninth. A table of the rates of duty determined as prescribed in the preceding clause, shall be certified by the collector and shall be kept for general information at his principal cutcherry; a copy thereof under the seal and signature of the collector shall also be kept at the several stations at which the duties may be payable.

Exemption declared in clause third, section X, to operate in Canara and Malabar to the extent only of duty actually paid.

Tenth. The exemption declared in clause third, Section X of this Regulation in favor of goods that have paid the sea duty at any of the ports under this presidency shall operate, in respect to imports

into Canara and Malabar, to the extent only of the duty actually paid; and goods so imported shall accordingly be charged with the full duty of 8 per cent on the tariff of the province, the certificate of the general inland duty under Regulation I and the sea duty under this regulation *having been paid*, being received in part *payment*.

Form of acquittance to be given on payment as prescribed in foregoing clause.

Eleventh. In levying the excess of duty on imports by sea, as provided for in the preceding section, the acquittance to be passed in such cases by the officer levying the duty shall be certified on the original rowannah produced, by describing the "Rates" "Total value" and "Total Customs" due on the goods imported, according to the local tariff, and whatever the difference may be between the government customs already received as specified in the rowannah and those due, shall be receipted in the following manner:

Balance of Malabar customs due and received at . . . . . (Name of port or town) the day of } Star Pagodas. "

to be signed and sealed by the native officer.

Dry grains exempt from duty in Canara.

Twelfth. Dry grains (by which is meant all other grains except rice and paddy) are exempted from import or export duties within the provinces of Canara.

Rice and paddy conveyed from port to port in Canara to pay the full duty.

An unstamped certificate to be granted, which shall pass the

Thirteenth. Rice and paddy conveyed by sea from one port to another within the province of Canara shall be charged with the regular export duty at the port whence they are first exported; and the exporter shall be furnished with an unstamped certifi-

cate, entitling him to re-export the same quantity, duty free, if carried away in fifteen days. The same rules shall be applicable to all other articles exported from one port, professedly to be re-landed at another.

grain free, if re-exported in 15 days.

Fourteenth. *Rescinded by Regulation* II, 1826.

XIX. The provisions of this regulation, as applicable to Malabar, shall be extended to the port and settlement of Cochin and its dependencies.

Provisions of sections applicable to Malabar extended to Cochin.

XX. The rules contained in Sections XIX, XX, XXI, XXII, XXIII, XXIV, XXV, and XXVI, Regulation I, relative to the confiscation of goods, the appropriation of the proceeds, the infliction of punishment for defrauding the customs, the process to be observed against native servants in the department of land customs and others for unauthorized exactions, as also in cases of embezzlement of the public money, or improper detention of papers or accounts, and the mode of trying and determining complaints against european officers employed in the collection of the customs, are hereby extended to the department of sea customs at the out ports: and the rules contained in Sections XIV, XVI, XVII, XVIII, XIX, XX and XXI, Regulation III, to the department of the sea customs at Madras.

Rules contained in Sections XIX, XX, XXI, XXII, XXIII, XXIV, XXV, and XXVI, of Regulation I, extended to the department of sea customs at out ports, and Sections XIV, XVI, XVII, XVIII, XIX, XX, and XXI, of Regulation III, to the sea customs at Madras.

A. D. 1812. REGULATION III.

A REGULATION, for modifying and amending cer-

tain of the rules at present in force for the collection of duties on imports by land into the town of Madras and circumjacent villages; and on articles manufactured or produced within the said town and villages.—Passed by the Governor in Council of Fort St. George, on the 14th April 1812.

Preamble.

WHEREAS it has been deemed expedient to modify and revise the rules, by which the collection of duties on imports by land into the town, and country in the neighbourhood of Madras, have been hitherto conducted; and, in consideration of its greater opulence, and the light taxation to which it is at present subject, to provide for the payment of larger duties on certain articles of general consumption at the presidency, than those which are leviable throughout the provinces dependent upon it: and whereas it is necessary to make further provision for the punishment of attempts at fraud on the customs and undue exactions on the part of native servants and others, and to frame sundry additional rules for the better management of this branch of the revenue: the following regulation has been passed by the Governor in Council to take effect from the date of its promulgation.

Land customs to be levied by the collector of Madras, under the control of the board of revenue.

II. First. The collection of the town duties established by this regulation shall be levied by the collector of the revenues at Madras subject to the control of the board of revenue.

Collections to extend to the present limits, subject to alteration by the board.

Second. The collection shall extend to the several villages and places within the range of chokies, including St. Thomas's Mount, as now established,

but these limits shall be liable from time to time to such alteration as the board of revenue may direct.

III. First. Piece goods imported by land into Madras or manufactured within the limits of the land custom house chokies, shall pay a duty of eight per cent on the market value of such goods.

Eight per cent to be levied on piece goods imported by land into or manufactured at Madras.

Second. Piece goods which may have paid the inland duty shall, on the production of a rowannah or certificate to that effect, be entitled to a drawback of the amount entered in such certificate, to be deducted from the total amount of customs to which the goods are liable, calculated as prescribed in the preceding clause.

Piece goods to be allowed a drawback of the amount shewn by a rowannah to have been paid in the interior.

Third. Piece goods imported or manufactured in Madras for the consumption of the place, usually classed under the term Pattanatiram, which shall exceed in value 20 star pagodas per corge, shall be subject to an additional duty of 2 per cent or 10 per cent in the whole, to be calculated and a drawback to be allowed as before prescribed.

Piece goods imported into or manufactured at Madras for the consumption of the place to pay 10 per cent if above 20 pagodas a corge.

Fourth. All articles of native dress imported into or manufactured within the limits for the consumption of the place, the value of which shall not exceed 20 star pagodas per corge, shall pay only three per cent duty: the production of a certificate that the inland duty has been paid shall entitle such goods to a drawback of the whole duties at Madras.

Articles of native dress to pay 3 per cent if below twenty pagodas a corge, and to be passed free on production of a rowannah.

IV. First. When piece goods imported into or manufactured at Madras are entered for painting, or dying, they shall be stamped with a particular stamp

Piece goods intended for dying or painting to be marked with a particular

chop and duties paid on the difference of valuation between white and painted or dyed cloth.

(Po'cu Muderie) the duties shall be paid on the neric valuation of the white cloth, and a certificate of their entries for painting or dying shall be delivered to the owners. After the goods have been painted or dyed, this certificate shall be returned into the custom house, and an additional duty paid, to be calculated on the difference between the neric valuation of the white cloth and the neric valuation of painted or dyed cloth of the description to which the goods belong: on this duty being paid, the usual custom chop shall be affixed to them.

Dyed or painted goods without the usual chop to be liable to confiscation and painters or dyers painting or dying cloth without the painting chop liable to the penalties prescribed in Section XVI of this regulation.

Second. All painted or dyed piece goods found without the usual custom chop shall be liable to confiscation, although the painting chop (Po'cu Muderie) may have been affixed to them, and if any cloth painter or dyer shall paint or dye any cloth, to which the painting chop shall not be affixed, and for which the owner shall not produce the certificate directed to be given in the preceding clause, such cloth painter or dyer, shall be liable to the same penalties as are provided in clause first, Section XVI, for those who may knowingly be concerned in defrauding the customs.

White cloths stamped with the usual stamp may be stampt again with the painting chop in which case they will be liable to the additional duty prescribed in the first clause.

Third. Nothing contained in the above two clauses shall prevent any person importing, or purchasing white cloths which may have received the ordinary stamp for piece goods from dying or painting the same, upon his taking out the certificate for the same prescribed by clause first, which shall be granted on application without further charge, and the painting stamp (Po'cu Muderie) affixed; such goods shall be again stamped with the usual stamp after they are painted or dyed, on payment of the

duty on the increased valuation, as prescribed in the first clause of this section.

V. First. A list of all gruff goods which it is proposed to subject to the payment of duty shall be prepared by the collector and submitted through the board of revenue for the sanction of the Governor in Council: this list shall be exposed to public inspection in a conspicuous part of the cutcherry and principal mettu, and no duty shall be collected on any article not contained in it, until the specific sanction of the Governor in Council shall have been first obtained.

A list of gruff goods liable to duty shall be prepared under the authority of the Governor in Council and no duties collected on any articles not entered in the list.

Second. Duties shall be collected on the several articles contained in this list at such rates as the board of revenue (subject to the confirmation of the Governor in Council) shall determine, such rate in no instance to exceed 10 per cent on the market price of the article at Madras. The board of revenue, under the sanction of the Governor in Council, shall be empowered to direct at any time any article in the list of gruff goods to be removed from it, or any article not in it to be added to it, and the rate of duty, subject to the restriction contained in the preceding clause, to be modified as to them may seem proper.

The rate of duties to be collected on gruff goods, not exceeding ten per cent to be determined by the Governor in Council, who may direct any modification to be made in the list provided for in the preceding clause.

Third. Gruff goods which may have paid the inland duty shall, on production of a rowannah, be entitled to a drawback of the amount stated in it, in the same manner as provided for in clause second, Section III, of this regulation.

Gruff goods to be allowed a drawback of the amount paid in the interior, in the same manner as provided for with respect to piece goods.

VI. The rates of duty fixed by this regulation

The rates of duty

fixed by this regulation to be inclusive of the poligar's fees, in lieu of which a sum equivalent to the average receipts on this account to be eventually assigned for police purposes.

shall be inclusive of the poligar's fees, on which account, from and after the passing of this regulation, no separate collection shall be made. Should it be considered hereafter expedient to establish a separate police fund or to appropriate the amount receivable under the denomination of the poligar's fees to any other specific purpose, the Governor in Council will assign such portion of the annual collections on account of land customs, as may be equivalent to the sum received under the head of poligar's fees, on an average of five years preceding the date of this regulation.

The value of goods to be fixed by appraisement.

VII. First. The market value of goods on which duty is receivable at Madras shall be ascertained by appraisement, which shall be conducted under the following rules.

Officers to be appointed to ascertain the daily price current of all descriptions of goods liable to duty and to prepare the quarterly neric.

Second. There shall be appointed two officers, one for piece goods and one for gruff goods, who shall ascertain the daily price current of every article liable to duty, and who shall be held answerable for the correctness of the quarterly neric or general list of prices; the neric shall be prepared on the expiration of every three months by taking the average of the daily price current of each article for the previous quarter, and it shall then be exposed for general information in a public and conspicuous part of the cutcherry and principal mettu.

Appraisers shall be appointed to ascertain the quality of all descriptions of goods liable to duty the value of which shall be determined by the neric, which

Third. Two appraisers shall also be appointed, one for piece goods and one for gruff goods, who shall ascertain the quality of every piece or parcel of goods by actual inspection, and shall determine its value by reference to the quarterly neric; it

there be reason to believe that mistake has been made in respect to the price of any article, the appraisers shall point it out to the collector; but they shall not, on any pretext whatever, either increase or lower the prices contained in the neric, which shall be liable to no alteration until the expiration of the quarter for which it is prepared.

shall be liable to no alteration whatever until the expiration of the quarter for which it is prepared.

Fourth. Merchants, their agents, and other descriptions of persons, clearing merchandize at the custom houses, shall deliver to the appraisers, a sample of their goods, and shall be answerable that the sample delivered correspond in quality with the goods so passed: should it be proved to the satisfaction of the collector, that the sample tendered for appraisement is in quality, dimensions, or any other respect, inferior to that attempted to be passed, it is hereby declared that such merchandize shall be considered as liable to confiscation or to the demand of double or treble duty, as the case may appear to require, under the general rules for the confiscation of other smuggled property.

Merchants to be answerable that the whole of their goods are the same as the samples they furnish for appraisement: if the sample should be proved to be inferior, the whole to be liable to confiscation.

VIII. To induce regularity and to prevent the practice of frauds prejudicial to the revenue, it is hereby provided that all merchants, their agents, and other descriptions of persons, clearing piece goods at the custom house, shall be careful to ascertain that the entries of their merchandize correspond with the quantity passed; and should any of the above description of persons be detected in attempting to pass a larger quantity of goods, than that entered in the register for clearance, the whole of the goods, so attempted to be passed under such false entry, shall be liable to confiscation, or to the assessment

Penalty to be inflicted in case of attempts to pass a greater quantity of merchandize than that of which entry is made.

of double or treble duty, as, on a consideration of the case, and the condition of the party, may be determined by the board of revenue, to whom a report shall be made in all such cases by the collector.

Section XV, Regulation X, 1803, and Regulation I, 1804, are hereby rescinded.

IX. First. Section XV, Regulation X, 1803, and Regulation I, 1804, are hereby rescinded.

Duties to be hereafter collected on betel, tobacco, goodauk, bang and ganjah, and on opium.

Second. The duties on betel, tobacco, goodauk, bang and ganjah, and on opium, shall be levied at the rates hereunder specified.

On betel, at the rate of one fanam per bundle of 400 leaves.

On tobacco:

First sort	6½	fanams	per vis.
Second sort	6.	do.	per do.
Third sort	5½	do.	per do.

On goodauk, at the rate of three fanams per vis.

On bang	twenty	do.	per do.
On ganjah	fifty	do.	per do.
On opium	fifty	do.	per do.

No drawback to be allowed on these articles on account of their being accompanied by a rowannah.

Third. The duties specified in the preceding clause shall be collected, although the articles specified may be accompanied by a rowannah, on which account no drawback shall be allowed.

Duties on areca nut to be hereafter collected, at the rates stated, by a per centage on the neric valuation.

X. The duties to be hereafter collected on areca nut, shall be levied at the under mentioned rates: these rates shall be liable at any time to modification (as prescribed, with respect to other gruff goods, in clause second, Section V,) by the board of revenue, at the recommendation of the collector, and under the sanction of the Governor in Council.

First sort 20 per cent on the neric valuation.
Second sort 16 per cent on the neric valuation.
Third sort 12 per cent on the neric valuation.

Articles liable to custom, with the exception of betel, tobacco, &c. intended for private use, to pass free, provided the amount of duty to which they may be liable does not exceed half a rupee.

XI. To prevent the vexatious interruption of passengers, or undue exactions on individuals resorting to Madras, and who may have about their persons any articles liable to duty, for their immediate use or consumption; it is hereby declared that, with the exception of betel, tobacco, ganjah, bang, goodauk, opium and areca nut, no duty whatever shall be demanded on such articles, provided the quantity in possession of the individual would not, if the duties were levied, produce to the customs a sum larger than half a rupee, and that it evidently appears that the articles are not intended for sale.

The collector may pass all goods into the town, piece goods excepted, on production of a sufficient quantity for assessment and security being given for the payment of the duties.

XII. With the exception of piece goods, which in all cases must be brought to the custom house to be stamped and registered, the collector may grant passes for the passage into the town of all articles liable to duty, on the application of the owners, on a sufficient quantity being deposited in the custom house to be weighed and appraised, and on good and sufficient security given to his satisfaction for the payment of the duties chargeable thereon, within a period not exceeding five days.

The collector empowered to grant muafee rowannahs for the free transit of goods through the provinces to Madras; such rowannahs to be countersigned and registered by the collector from whose district they are exported.

XIII. First. For the purpose of facilitating the transit of goods intended for the consumption of Madras, by exempting the merchant from the delays arising from the detention and examination of goods at the inland chokies, the collector is empowered to grant, on application, to any person, being a fixed inhabitant of Madras and of known credit, a muafee

rowannah under his seal and signature, and in the prescribed form, under which the goods therein described shall pass by land free of duty and without interruption, from any part of the British territories under this presidency to Madras: the rowannah so issued shall, previously to the removal of the goods, be produced at the principal chokey of the district from whence they are exported, for the purpose of being registered and countersigned by the collector; a copy of the register of all such rowannahs shall be transmitted monthly by the collector of the district, from which any goods may have been exported under muafee rowannahs, to the collector at Madras.

Persons applying for muafee rowannahs, as directed in the preceding clause, to find the security of two householders of Madras that the goods shall arrive within a fixed period and agree with the entries in the rowannah; penalty of the security to be enforced, the goods confiscated or double duty levied in case of fraud, at the option of the board of revenue.

Second. Previously to granting any muafee rowannah of the nature stated in the preceding clause, the collector shall take from the person making the application, the security of two substantial householders of Madras, who shall engage, under a penalty equal to the full value of the goods for which the rowannah is required, that they shall arrive within a fixed period, unless prevented by special causes to be allowed by the collector, and that they shall in quantity, quality, mode of package, and all other respects, agree with the entries in the rowannah: should the goods not arrive within the period specified, the penalty shall be enforced against the securities, or should they, on their arrival, be found to vary from the description given of them in their engagement in such a degree as to render it evident that the rowannah was obtained for fraudulent purposes, the penalty shall be enforced, or the goods shall be confiscated or assessed with double duties, at the option of the board of

the board of revenue, to whom a report shall be made in all such cases by the collector.

The whole of the proceeds of confiscated goods to be divided among the informers and officers of government in the proportions stated, after deducting the amount of duty due on them.

XIV. First. To afford further encouragement to persons to give information which may lead to the detection of attempted fraud on the customs, and to secure a vigilant attention to their duty on the part of officers of government employed in the customs, the following division shall, for the future, be made of the amount sales of all confiscated goods: the full amount of the duty payable on all confiscated goods shall be deducted from the amount sales and carried to the public account; one half of the remainder shall then be divided between the collector and his subordinates, in such proportion as the Governor in Council shall direct; and the other half in equal shares or otherwise, at the option of the board of revenue, between the informer and the officers making the seizure, or if there be no informer, the whole shall be paid to the latter.

When goods liable to confiscation are released on levying of double or treble duty, the informers and officers of government to divide the surplus duty in the proportions stated in the preceding clause.

Second. Whenever goods liable to confiscation shall be released on payment of double or treble duty, levied as the case may be adjudged to deserve, the person on whose information they may have been seized and the officers seizing them, shall be entitled, as compensation, to a division of the surplus duty, in the same proportion as if confiscation of the whole had taken place.

Commission to be received by the collector and deputy collector on duties realized by them.

XV. The collector and deputy collector of the Madras town duties, shall be entitled to receive such salary, allowance, or commission on the amount of the duties realized under this regulation, as government may direct.

The magistrate of the zillah of Chingleput empowered to determine all charges against persons for defrauding the customs, for receiving, purchasing or secreting smuggled goods.

XVI. First. The *magistrate** of the zillah of Chingleput is empowered to hear and determine all charges against persons for being concerned in any attempt to defraud the customs, within the limits of the collection established by this regulation, or for receiving, purchasing, or secreting any article liable to duties, knowing it to have been smuggled; and to punish the offenders, on conviction, by imposing upon them such fine to government, as the case may seem to deserve: but the fine is in no case to exceed the sum of one hundred arcot rupees.

Punishment to be inflicted on persons not discharging the fine, and on persons convicted of a repetition of this offence.

Second. When persons convicted of defrauding the customs may omit or refuse to pay the amount of the fine awarded against them, or when persons may be convicted of a repetition of the offences described in the preceding clause, the magistrate of the zillah of Chingleput is empowered to commit them to the jail of the zillah, to be kept to hard labour on the public works for a term not exceeding three months, according as he may think proper, upon consideration of the circumstances of the case.

Proviso.

Provided, however, that the authority hereby given being intended to restrain habits of fraud among the idle and dissolute classes of society, and persons of notorious bad characters, who may be found to be incorrigible by other means, the magistrate shall be careful not to adjudge to hard labour on the public works, any person whose situation and circumstances in life may appear to exempt him from this part of the penalty. In this case, the imprisonment shall be held as an equivalent to the fine; and

* *Criminal Judge by Section* XLIV, *Regulation* IX, 1816.

at the expiration of the period fixed, the party shall be discharged.

XVII. First. The collector shall proceed to levy the penalty on the security required to be given by clause second, Section XIII, and all other penalties occurring under this regulation, if the amount be not immediately discharged, by distraining the personal property of the individual who may have incurred it, observing the rules prescribed by the regulations in regard to distraints for arrears of rent.

The collector to levy all penalties prescribed by this regulation, by distraint of personal property in the mode provided by the regulations for distraints for arrears of rent.

Second. Persons dissatisfied with any order of the collector for levying a penalty against them, or for issuing any process of distraint they may deem unwarrantable, shall be at liberty to institute a suit in the court of the zillah of Chingleput for damages on account of any injury they may have sustained, which shall be received, tried and determined, according to the rules prescribed by the existing regulations for receiving and trying or determining complaints against collectors of the land revenue. The institution of such suit shall not, however, prevent the execution of the order of the collector, nor of any process of distraint which he may issue under the provisions of the preceding clause.

Persons dissatisfied with orders of the collector for levying penalties against them, or in directing process of distraint, may institute a suit in the zillah court of Chingleput; but such suit shall not prevent the execution of orders issued under the preceding clause.

XVIII. *Omitted under Regulation* IX *of* 1822.

XIX. No collections whatever, either as customs, duties, commission, fees or under any other denomination, shall be levied by any of the officers employed at the custom houses or chokies within the limits of the collection hereby established, except-

No collections to be made by officers of the customs, but such as are authorized by this or some future regulation.

ing such collections as are or may be authorized by this regulation, or by any other regulation which shall be hereafter enacted in the prescribed manner.

Complaints for such offences to be moreover cognizable by the magistrate,

XX. Complaints against native officers employed in the collection of the Madras town duties for *breach of the rule in the preceding Section* shall be considered cognizable by the *magistrate, or criminal judge; according to the degree of the offence; by Section* XLV, *Regulation* IX *of* 1816, of the zillah of Chingleput, and any such native officer, on being convicted before the magistrate of having detained, or stopped goods in any unauthorized manner; or of having exacted, under any plea or pretence whatever, as present, fee, or other consideration for the passage of goods or otherwise, in violation of the regulations of government, shall be deemed guilty of extortion, and be liable to be sentenced to pay a fine not exceeding two hundred rupees, and to imprisonment not exceeding six months, or to corporal punishment not exceeding thirty rattans, according to the nature and circumstances of the case, and the condition in life of the offender; and if the fine so adjudged be not paid, it shall be commutable to a further period of imprisonment, not exceeding six months, as provided with respect to other sentences of the magistrate by Section XII, Regulation IV, 1811. The party aggrieved shall, at the same time, be at liberty to prosecute the offender for damages in the civil court of the zillah.

and to be punishable by fine and imprisonment, or stripes, as circumstances may warrant.

The party aggrieved may also sue for damages.

Penalty and punishment to which persons not being officers employed by government in the collection of the cus-

XXI. All native persons not being officers employed by government in the collection of the Madras town duties, or authorized by any regulation to collect customs or duties, who shall exact customs, or

duties, of any denomination, on any pretence whatsoever, whether as principals or agents, shall likewise be deemed guilty of extortion, and on conviction before the magistrate of the zillah of Chingleput, shall be liable, to the penalties of fine and imprisonment, to the same extent, and with the same qualification for commuting the fine to further imprisonment, if it be not paid, as the magistrate is empowered to adjudge against native officers convicted of extortion under the preceding section; and the party aggrieved shall, in like manner, be also at liberty to prosecute the offender for damages in the civil court; but nothing contained herein, shall be construed to authorize the magistrate to inflict corporal punishment in any such case, on any ground whatever.

toms will be subject, who shall exact customs or duties, on any pretence whatsoever.

Exception of corporal punishment.

XXII. First. Whenever any articles shall be detained on account of circumstances subjecting them, eventually to confiscation, the collector shall submit the case without delay, to the board of revenue, for their decision; and, in the event of any articles being confiscated under this regulation, the same shall be sold by public auction.

Whenever articles are detained eventually for confiscation, the case to be reported to the board without delay;

and the articles if confiscated to be sold by public auction.

Second. The board of revenue are empowered to direct the release of any articles which may have become liable to the penalty of confiscation, or to order double duty to be levied upon them, in lieu of that penalty, in cases in which there may appear to them grounds for the remission or mitigation of such penalty.

The board empowered to remit or mitigate penalties in certain cases.

XXIII. The collector and deputy collector of the Madras town duties are declared amenable to the zillah court of Chingleput, for any acts done by

Collector and deputy collector to be subject to the jurisdiction of the zillah court of Chingleput.

them cognizable therein under the existing regulations, and the rules prescribed in Regulation III, 1809, and in Section XXVI, Regulation I, shall be applied to cases of complaint against those officers, for acts relating to the collection of the town duties, the same as they would be applicable to the same individuals in regard to complaints against them for acts done in their respective capacities of collector or deputy collector of the revenues of Madras.

Rules to be applied in cases of complaint against them.

Native officers under the collector how to be proceeded against for any acts committed by them contrary to the existing regulation.

XXIV. All native officers employed under the collector, are also declared to be amenable both to the civil court of the zillah of Chingleput, and to the jurisdiction of the magistrate of the zillah; in regard to any acts committed by them in breach of the provisions of this or any other regulation.

XXV. Sections III, IV, V, VI, VII, XVI, and XXVI, and clause second of Section XXIII, of Regulation X, 1803, and Section VI, Regulation XV, 1808, are hereby rescinded.

A. D. 1812. REGULATION IV.

A REGULATION, for the conduct of the trade of Foreign nations, with the ports and settlements of the British nation under the Presidency of Fort St. George; and for defining the duties to which such trade shall be subject, at ports and settlements dependent on the said presidency.

Passed by the Governor in Council of Fort St. George, on the 14th April 1812.

THE Honorable the Court of Directors of the United Company of Merchants of England trading to the East Indies having been pleased to establish certain regulations, in pursuance of the powers vested in them by an act of Parliament passed in the 37th year of George the Third, Chapter CXVII, for the conduct of the trade of Foreign nations to the ports and settlements of the British nation in the East Indies, and also for defining the duties to which such trade shall be subject; the said rules have been accordingly framed into a regulation, to be in force in the territories immediately dependent on the presidency of Fort St. George, from the period of its promulgation. Preamble.

II and III. *Rescinded by Section* II, *Regulation* VI, 1819.

IV. Sections VII, VIII, and XXXIX, Regulation IX, 1803, and Sections VI and XVII, Regulation XI, 1803, are hereby rescinded. Certain sections of former regulations rescinded.

V. First. Goods imported or exported on foreign bottoms, shall be subject to double the amount of the duties payable on goods imported or exported on British bottoms. Goods imported or exported on foreign bottoms, subject to double duty.

Second. On this principle, goods imported at Madras on vessels of foreign Europe or America, or at any of the ports subordinate thereto, shall be liable to a duty of 16 per cent on the value of the goods, according to the tariff. Goods imported on foreign bottoms into Madras or the subordinate ports, liable to 16 per cent duty.

Goods exported from Madras on foreign bottoms, liable to 8 per cent duty.

Third. Goods exported from the port of Madras, on vessels of the above description, shall be liable to a duty of 8 per cent.

Goods exported from subordinates on foreign bottoms liable to 16 per cent duty, certificate of inland duty being received in part payment.

Fourth. Goods exported from the out-ports subordinate to this presidency, shall be liable to a duty of 16 per cent, on the value of such goods, according to the tariff of the port; but the certificate of the general inland duty having been paid, shall be received in part payment.

The former fee of one pagoda per bale not to be levied.

Fifth. That part of Section L, Regulation IX, 1803, which authorizes the collector of customs to levy for his own benefit, a fee of 1 pagoda per bale, on piece goods imported or exported in foreign vessels, is rescinded; and it is hereby declared, that the double duty herein provided for, shall exempt the imports and exports on vessels of foreign Europe or America from this additional demand.

Section XIX, Regulation XI, 1803, rescinded.

VI. First. Section XIX, Regulation XI, 1803, is hereby rescinded.

Goods transhipped from one vessel to another, being foreign bottoms, to be liable to the same duty as if imported.

Second. Goods transhipped, in the roads of Madras, and of the subordinate ports, from one vessel to another, being vessels of foreign Europe or America, shall be charged with duties at the same rate, as if the goods had been imported: provided, however, as the operation of this rule may, under particular circumstances, prove oppressive, that the collectors of customs shall be at liberty, should they see fit, to suspend the execution of it, and to report the reasons thereof for the information and orders of the board of trade.

Proviso.

VII. Raw hides exported on foreign European or American vessels from Madras, or any of the ports subordinate thereto, shall be charged with a duty of 8 pagodas per hundred.

Raw hides exported on foreign bottoms from Madras or subordinates liable to a duty of 8 pagodas per hundred.

VIII. *Rescinded by Section* XIII, *Regulation* II, 1816.

A. D. 1812. REGULATION V.

A REGULATION, for establishing a court of civil judicature, and for the appointment of a magistrate of the town of Cochin and its dependencies.

RESCINDED by A. D. 1817, *Regulation* IV.

A. D. 1812. REGULATION VI.

A REGULATION for the levy of a particular duty on betel, tobacco, ganjah, bang and goodauk, when imported into or sold in certain towns and places within the territories subject to the presidency of Fort St. George.—Passed by the Governor in Council of Fort St. George, on the 8th September 1812.

WHEREAS, under the operation of Regulation I, Preamble.

A. D. 1812, the provisions contained in Sections XIII and XV, Regulation XII, A. D. 1803, for the levy of a particular duty on betel, tobacco, ganjah, bang and goodauk, on importation into towns, were abrogated; and those articles, in common with all other goods and merchandize, became subject only to the general inland duty of five per cent; and whereas it has been deemed expedient that those articles should, in certain cases, be assessed with a higher duty; the Governor in Council has been pleased to enact this regulation, to take effect from and after the date of its being promulgated.

A particular duty to be levied at certain towns and places on betel, tobacco, ganjah, bang and goodauk.

II. First. A particular duty, distinct from the general inland duty prescribed by Regulation I, A. D. 1812, shall be levied on betel, tobacco, ganjah, bang and goodauk, imported into or sold in certain towns and places within the territories subject to the presidency of Fort St. George.

The towns and places and rates of duty how to be determined.

Second. The towns and places at which the duty mentioned in the foregoing clause shall be collected, and the respective rates of duty which shall be collected on the articles liable to it, shall be determined by the collectors, under the orders of the board of revenue, subject to the confirmation of the Governor in Council.

The rates of duty to be certified and published by the collectors.

Third. A table of the rates of duty as determined by clause second of this section, shall be certified by the respective collectors, and kept for public information at each chokie where the duty is leviable.

Penalties against

III. The rules contained in Sections XIX, XX

and XXI, Regulation I, A. D. 1812, relative to the confiscation of goods, the appropriation of the proceeds, and the infliction of punishment for defrauding, or attempting to defraud, the Government in the levy of the general inland duty, are hereby declared to be applicable to cases of a similar nature connected with the particular duty on betel, tobacco, ganjah, bang and goodauk. evasion of the duty.

A. D. 1813. REGULATION I.

A REGULATION, for determining the import and excise duties on all spirituous liquors manufactured to the eastward of the Cape of Good Hope, which may be imported by sea or land into Madras; and for more effectually preventing the clandestine sale of such liquors.—Passed by the Governor in Council of Fort St. George, on the 27th July 1813.

WHEREAS it has become necessary to provide for the better security of the revenue arising from the sale of spirituous liquors within the town of Madras, and to assist the operations of police by preventing, more effectually the clandestine sale of spirituous liquors manufactured to the eastward of the Cape of Good Hope which may be imported into Madras; the Governor in Council has enacted the following rules for determining the import and excise duties to be levied on such liquors, and for Preamble.

regulating the mode under which they shall be supplied to the retail dealers.

A particular import duty in addition to the general duty of 8 per cent to be levied on all spirituous liquors manufactured to the eastward of the Cape of Good Hope which may be imported by sea into Madras.
The rate of such duty within a certain limit to be determined from time to time by the Governor in Council.
The payment of the particular import duty may be suspended for a period not exceeding six months from the date of importation, provided sufficient security be lodged for the payment at the end of that period.
Where such security is not lodged, the liquor shall be kept in deposit, and sold after the expiration of the prescribed period when, the amount of duty and charges being deducted, the proceeds shall be paid to the owner.
The owners to be answerable for all charges incurred on account of liquor kept in deposit, whether ultimately sold or not, as well as for wastage.
But they will be allowed access to their property at reasonable times, and be permitted to take measures for its security.

II. First. All spirituous liquors manufactured to the eastward of the Cape of Good Hope shall, on importation by sea into Madras, in addition to the general duty of 8 per cent, be charged with a particular import duty not exceeding 150 pagodas per leaguer; the actual rate at which this duty shall be collected (provided always that it in no case exceed the amount here mentioned) shall be determined from time to time by the Governor in Council.

Second. When the importers of spirituous liquors may require it, the payment of the particular import duty shall be suspended for a period not exceeding six months from the date of importation, provided the importers lodge sufficient security for the payment of the duty at the expiration of that period; and, in cases wherein the importers may be unable to lodge such security, the liquor shall remain in deposit during the prescribed period of six months, when it shall be sold and, after deducting the amount of the duty and the charges attending the custody of the liquor, the proceeds paid to the owners.

Third. The owners of liquor kept in deposit under the preceding clause, shall be answerable for all charges incurred for godown hire, cooperage or on any other account, whether it be ultimately sold or not; also for any wastage that may take place: but they will be allowed access to their property at all reasonable times, and be permitted to take such measures for its security as they may think proper.

III. The collector of sea customs shall keep a register shewing the date of importation, the proof and quality, also the names of the importers and of the purchasers, of all liquor imported by sea into Madras, and shall levy the duties provided for in clause first, Section II of this Regulation.

The collector of sea customs to keep a register of all liquor imported, and to levy the duties provided for in clause first, Section II.

IV. All liquors intended for the use of His Majesty's Navy, or purchased for, or belonging to, the Honorable Company, shall be allowed to pass free of the particular duty provided for by this Regulation, on the certificate of the proper officer or the affidavit of the contractors for spirituous liquors, that such liquors are intended for the use of the Navy, or of the Honorable Company's Troops, and shall not be applied to any other purpose.

On the certificate of the proper officer or the affidavit of the contractor, liquors intended for the use of His Majesty's Navy or of the Honorable Company, shall be exempted from the payment of the particular duty.

V. First. A drawback of the particular import duty, that is to say, of the whole import duty, with the exception of the general import duty of 8 per cent, shall be allowed on the re-exportation of all liquors manufactured to the eastward of the Cape of Good Hope, by sea or land; provided the liquor so re-exported shall be found, on comparison with the register to be kept as prescribed by Section III, to correspond in proof and quality with the entry made at the date of its importation.

On re-exportation by sea or land a drawback of the particular import duty shall be allowed.

Proviso.

Second. In the case of the re-exportation of spirituous liquors by land, as well as in the case of their re-exportation by sea, the drawback shall be paid by the collector of sea customs: in the former case, the claim to the drawback must be supported by a certificate from the land custom house, signed by the proper officer.

The drawback to be paid by the collector of sea customs.

The claim to the drawback on re-exportation by land to be supported by a certificate from the land custom house.

The permit of the collector of Madras must accompany all liquors removed from the sea custom house, or from one warehouse, shop, or private dwelling house, to another. But persons having paid the general and particular import duty may dispose of their liquor by wholesale in quantities not less than five leaguers.

VI. No spirituous liquors shall be removed from the sea custom house, to any warehouse, shop, or private dwelling, or from one warehouse, shop or private dwelling, to another, without the permit of the collector of Madras, which permit must accompany all liquors removed; but persons having paid the general import duty of 8 per cent and the further duty provided for in this Regulation, shall be entitled to dispose of it, by wholesale, provided the quantity so sold shall in no case be less than five leaguers.

The licensed retail dealers shall be supplied with liquor exclusively by the collector of Madras. The price of the liquor so supplied to be from time to time determined.

VII. First. The licensed retail dealers shall be supplied exclusively by the collector of Madras with the quantity of liquor which they may require, at such price as may be from time to time determined.

In addition to the price of the liquor, an excise duty, not exceeding 1 pagoda per gallon, shall be paid by the licensed retail dealers and collected by the collector of Madras.

Second. In addition to the price, or cost of the liquor, an excise duty, not exceeding 1 pagoda per gallon, shall be paid by the licensed retail dealers, and collected by the collector of Madras, (in the manner now in practice) on all spirituous liquors imported from the eastward of the Cape of Good Hope and sold for consumption in Madras: the actual rate at which this tax shall be collected (provided always that it in no case exceed the rate abovementioned) shall be determined from time to time by the Governor in Council.

The rate of such duty to be determined by the Governor in Council.

Penalty of importing, selling, purchasing, removing or re-exporting, or attempting to import, sell, purchase, remove, or re-export liquor contrary to the provisions of this Regulation.

VIII. First. All persons importing, or selling, or purchasing, or removing, or attempting to import, or sell, or purchase, or remove, liquor contrary to the provisions of this Regulation, as well as all persons who shall attempt to re-export any liquor which, on comparison with the register to be kept as prescribed by Section III of this Regulation,

shall be found to be inferior in proof and quality to what it was at the time of importation, shall be liable to the payment of twice the amount of the highest rate of excise duty imposed by clause second of the preceding Section, and all liquor so imported, sold, purchased, or removed or re-exported, or attempted to be so imported, sold, purchased, removed or re-exported, together with the cattle and carriages employed in removing it, shall be liable to seizure and confiscation.

Manner in which the amount to be paid and the proceeds of liquor confiscated under the foregoing clause, shall be appropriated.

Second. The amount to be paid under the preceding clause by persons detected in the illicit importation, sale, purchase, removal, or re-exportation of spirituous liquors, together with the proceeds of the property confiscated, shall, after deducting an amount equal to the excise duty payable on the liquor, be divided among the officers of revenue, the informers, and persons making the seizure, in such proportions as may be determined by the board of revenue.

All spirituous liquors of foreign or home manufacture imported by land into Madras liable to the payment at the land custom house of the general and the particular duty, and to all the rules and regulations herein provided for liquors imported by sea.

IX. All spirituous liquors, whether of foreign or home manufacture, imported by land into Madras, shall be liable to the payment at the land custom house, of the general duty of eight per cent, and to the farther duties herein provided for, as well as to all the rules and regulations to which spirituous liquors imported by sea are herein declared to be subject.

Country or puttah arrack manufactured at Madras shall be liable to the same excise duty as that which may be made

X. At whatever rate the Governor in Council shall, under clause second, Section VII of this Regulation, direct the excise duty to be collected on spirituous liquors manufactured to the eastward

payable on spirituous liquors manufactured to the eastward of the Cape of Good Hope.
The power of prohibiting or suspending the distillation of country arrack at Madras and its dependencies, vested in the Governor in Council.

of the Cape of Good Hope, a duty of the same rate shall be collected on arrack manufactured at Madras, usually known by the name of country or puttah arrack.—The Governor in Council, however, reserves to himself the power of prohibiting altogether, the distillation of country or puttah arrack, at such time, and within such distance of the town and dependencies of Madras, as to him may appear expedient.

XI. This Regulation shall take effect from the 1st of January 1814.

A. D. 1813. REGULATION II.

A REGULATION, providing for the use of stampt cadjans, in common with stampt paper, for the legal instruments described in Sections IX, X and XI, Regulation VIII, 1808; establishing stamp duties on all petitions addressed to the Governor in Council and to the Boards of Revenue and Trade; requiring licenses for the retail sale of tobacco in the provinces of Malabar, Canara and Coimbatore, to be written on stampt paper; and modifying certain parts of the existing Regulations respecting the duties leviable by means of stampt paper.

RESCINDED by A. D. 1816, *Regulation* XIII.

A. D. 1814. REGULATION I.

A REGULATION, for re-establishing a Zillah Court in the district of Guntoor.

RESCINDED by A. D. 1818. *Regulation* V.

A. D. 1816. REGULATION I.

A REGULATION, for declaring the contributions hitherto paid in the province of Tanjore on account of the cavilly police, appropriable to the support of the new police, established or to be established, in that province; for regulating the collection and assessment of those contributions; and for extending and modifying the house tax hitherto collected for police purposes in the province aforesaid.—Passed by the Right Honorable the Governor in Council, on the 12th January 1816.

WHEREAS it has been deemed expedient to abolish the cavilly system in the province of Tanjore and to establish a more efficient system of police for that province; and whereas it has become necessary, in consequence, that the funds hitherto allotted for the support of the cavilly system should be declared Preamble.

appropriable, under the orders of the Governor in Council, to the maintenance of the new establishments of police; and whereas those funds, derived from certain proportions of the annual gross produce of cultivated lands whether malgoozaree or lakheraj, from certain allotments of lands rent free or favourably assessed, from a tax on houses, from the contributions termed porapoo and magama, and other taxes of various descriptions, have never been regulated by public authority, but have been partially collected, and their collection has been attended with much inconvenience, irregularity and trouble; and whereas it is expedient that the tax on houses should preserve a due proportion to the fluctuating value of such property, and that provision should be made for collecting such sums as may be due in arrear to the police fund, according to the rules which have been heretofore adopted by the collectors of the land revenue under the sanction of the board of revenue; therefore, with a view to provide for the equalization and due collection of the said funds, and to render them appropriable to the support of the new police establishments in Tanjore; The Governor in Council has been pleased to enact the following Regulation, to take effect from the date of its being promulgated.

All contributions on account of police declared to be resumed and appropriable to the support of the new police.

II. The contributions and allowances of every description, whether in money, grain or land, which have hitherto been allotted for the support of the cavilly system of police in the province of Tanjore, are hereby declared to be resumed, and to be appropriable, under such orders as the Governor in Council may be pleased to issue, to the maintenance of the new establishment of police in that province.

III. First. The contributions from malgoozaree lands hitherto levied for the cavilly establishments, under the denomination of cavilly sotuntrums, shall continue to be collected: The annual amount of such contributions to be assessed on each village respectively, shall be the average of cavilly sotuntrums paid or payable by each village in the six years from Fusly 1214 to Fusly 1219, inclusive. The contributions above mentioned shall be paid by the meerassadars or renters into the public treasury, at the time, and in the manner, which may be established for the payment of the land revenue.

The collections from malgoozaree lands formerly termed cavilly sotuntrums, to be continued; How they are to be assessed, and paid.

Second. The amount of contribution to be paid in lieu of cavilly sotuntrums by villages which were under management during the period mentioned in the preceding clause, or during any part thereof, shall be collected at the established centage on the actual amount of the produce of such village.

How the cavilly sotuntrum contributions are to be assessed on villages under amany between Fuslies 1214 and 1219.

Third. In villages which now are, or shall hereafter come, under management, the collector shall levy the contributions to be raised on account of cavilly sotuntrum from the actual produce of such villages, in grain, at the established rates, and shall realize the same into the public treasury, in like manner as the land revenue of those villages.

And how upon villages now or hereafter under amany.

IV. The allowances and contributions hitherto paid to the cavilgars by the holders of land wholly or partly alienated, shall cease, and in lieu thereof, there shall be annually levied from the holders of such lands, a contribution in money at the same rate per valy as, under the provisions of clause first, Section III of this Regulation, is to be

What contributions are to be levied on account of police from lands wholly or partly alienated,

collected from the holders of the neighbouring malgoozaree lands of similar description and quality.

The house tax to be continued and extended;

V. First. The house tax, which has hitherto been partially levied in the province of Tanjore in aid of the cavilly police funds, shall be continued, and is hereby extended to all the towns and villages of whatever description, and to all houses, bankshalls, storehouses, shops and all other descriptions of buildings appropriable to the private uses of individuals within that province: and the house tax so continued and extended shall, for the present, be collected at the rates which have hitherto been customary in those places where the tax has been collected: that is to say, for every such building as aforesaid, at the rate of two Madras fanams per annum if covered with tiles, or one Madras fanam per annum if covered with thatch.

what houses and buildings are to be assessed with the tax;

to be collected for the present at the former customary rates.

Exception in favour of labourers dwellings;

Second. The huts or houses of puller and other casts of labourers, employed in agriculture, and generally of all persons who earn their livelihood by manual labour, not being artificers, artizans, weavers or manufacturers, shall be exempt from payment of house tax.—But nothing herein contained shall be taken to exempt from such payment, any individuals of the descriptions abovementioned who shall be found, upon enquiry, to be in such circumstances and possessed of such a house, as would otherwise render them liable to the payment of the said tax; and it is hereby declared, that persons so circumstanced shall be subject to assessment of house tax, at the rates now or hereafter to be fixed.

Unless of a superior description.

Third. The Governor in Council will, from time to time, at his discretion, direct a revision of the tax upon houses under the superintendence of the board of revenue; and the rates which, after each revision, shall be approved of by the Governor in Council shall be the fixed rates at which the said tax shall be levied, until altered by a subsequent revision.—Provided always, that such rates shall never exceed five per centum upon the annual rent which the houses or other buildings hereby declared liable to taxation (the same being let out to hire) do actually yield to their proprietors respectively, or, in cases of houses remaining in the occupancy of their proprietors, then that the said rate do not exceed five per centum upon the rent at which houses or buildings of similar description and value within the province aforesaid are generally let to hire.

The Governor in Council to direct occasional revisions of house tax.

Limitation of the amount which may be assessed.

VI. First. The collector of the land revenue shall continue to levy and receive the sotuntrum assessment and house tax. All arrears of such contributions, as are established by this Regulation, shall be recoverable by distraint of personal property, in the same way and under the same process as arrears of the land revenue.

Police contributions to be levied by the collector of land tax.

Arrears recoverable as arrears of revenue.

Second. All arrears which may be due to the police fund under the former usages of the province of Tanjore, or under the order of the board of revenue, and of the Governor in Council, shall, in like manner, be recoverable by distraint of personal property, in the mode prescribed by the Regulations for the recovery of arrears of revenue.

Arrears now due under the usage of the province or the orders of the board of revenue and of Government, recoverable in like manner.

A. D. 1816. REGULATION II.

A REGULATION, for modifying some of the provisions at present in force for the collection of customs on certain articles of commerce, in the territories immediately dependent on the Presidency of Fort St. George.—Passed by the Right Honorable the Governor in Council, on the 18th January 1816.

Preamble.

WHEREAS it has been considered expedient, with a view to encourage the exportation of the staples and marine stores of Great Britain, that the import duties, now payable at this Presidency on sundry articles, should be abolished, provided that the articles be imported from Great Britain or Ireland on British registered ships or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d, George III, Cap. 155, and other subsequent Acts; and that the duties on other articles, being the produce or manufacture of the United Kingdom of Great Britain and Ireland, should be modified; And whereas it has further been deemed expedient to modify and alter the duties now levied on goods, being the produce of the British territories under this Presidency, on their exportation to the United Kingdom of Great Britain and Ireland on British and Indian-built ships, and to make certain other alterations in the Regulations for the collection of the customs: the

following rules have therefore been enacted, to be in force throughout the territories immediately subject to the Presidency of Fort St, George, from the date of their promulgation.

IMPORTS.

II. Woollens, including cloths of sorts, blankets, hose, guernsey shirts, caps, and generally all articles manufactured from wool or worsted thread or yarn, which may be imported from the United Kingdom of Great Britain and Ireland, at the port of Madras or at any of the several ports subject to the Government of Fort St. George, on British registered ships or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d, George III, Cap. 155, and other Acts containing similar provisions, shall be exempt from duty; any thing contained in any former Regulation to the contrary notwithstanding.

All articles manufactured from wool, worsted thread or yarn, imported from the United Kingdom on British registered ships or Indian-built ships, trading under legal authority, shall be exempt from duty.

III.* Copper, tin, iron, steel, lead and all other metals, in an unmanufactured state, being the produce of the United Kingdom, if imported in the manner specified in the preceding Section, shall also be exempt from duties.

Unmanufactured metals, the produce of the United Kingdom, imported in a similar manner, also exempted from duties.

IV. Canvas, cordage, and other marine† stores, being the produce or manufacture of the United Kingdom, if imported in the manner specified in Section II, shall be exempt from duties.

Canvas and other marine stores, the produce or manufacture of the United Kingdom, also exempted from duties.

V. First. All articles, the produce or manufac-

All other articles,

* *Vide Section* II, *Regulation* VII, 1819.

† *Vide Section* III, *Regulation* VII, 1819.

except wines and spirits, the produce or manufacture of the United Kingdom, shall be charged with a duty of 2½ per cent.

ture of the United Kingdom, not specified in the preceding Section (with the exception hereinafter stated), if imported in the manner specified in Section II, shall be exempt from the duty of eight per cent. imposed by Regulation II of 1812, or any duty imposed by any other former Regulation, and shall be charged with a duty of (2½) two and a half per cent, to be adjusted according to the provisions established by Regulation II, 1812, or any other Regulation in force.

All articles, the produce or manufacture of foreign Europe, (with exception to wines and spirits,) shall be subject to a duty of 5 per cent.

Second. All articles, the produce or manufacture of foreign Europe, (with the exception of wines and spirits,) on importation in the manner specified in Section II, shall be exempt from the duty of eight per cent. imposed by Regulation II of 1812, or any duty imposed by any other former Regulation, and shall be charged with a duty of five per cent.

Wines and spirits imported from the United Kingdom shall continue subject to the duties specified in Regulation II, 1812, and other Regulations in force.

Third. Wines and spirits of every description, imported from Great Britain or Ireland, shall continue subject to the same rate of duty with which they are chargeable under Regulation II, 1812, and any other Regulations in force.

The articles above specified, if imported otherwise than as described in Section II, shall be subject to the duties chargeable under the Regulations now in force.

VI. Articles imported otherwise than according to the provisions of the Acts of Parliament regulating the direct and circuitous trade between the United Kingdom and India, shall continue subject to the payment of the duties chargeable under the Regulations now in force.

The goods above enumerated, on which duties may have been paid at

VII. First. If the established duties on the goods specified in the preceding Sections, shall have been paid at any port in the territories subject to

the British Government in India, no further duty shall be levied upon their transit from port to port, within the same territories.

any port in British India, shall not be liable to further duty on transit from port to port.

Second. A regular certificate of the payment of the duties specified in Section V, shall be furnished by the collector of sea customs at the port at which such duties may have been levied, for the purpose of being produced and exhibited to the collector of customs, or other proper officer, at any port to which such goods may be brought after the first payment of duties.

A certificate to be granted by the collector of sea customs.

EXPORTS.

VIII. First.* Indigo, the produce and manufacture of the territories immediately dependent on the Presidency of Fort St. George, shall be allowed a drawback on exportation on British registered ships or on Indian-built ships trading with the United Kingdom of Great Britain and Ireland, directly or circuitously, under the provisions of the Act of the 53d, George III, and subsequent Acts, equal to the whole amount of the duty paid under the Regulations now in force.

A drawback to be allowed on indigo, the produce of the territories immediately dependent on Fort St. George, when exported to the United Kingdom.

Second.† Indigo, the produce and manufacture of the territories of any Native Power, if exported as specified in clause first of this Section, shall be allowed a drawback at the same rate only, as indigo, the produce and manufacture of the British territories, although the duty levied may have been higher.

Drawback to be allowed on indigo the produce of the territories of any Native Power.

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* *Vide Section* VI, *Regulation* VII, 1819.

† *Vide Section* VII, *Regulation* VII, 1819.

Drawback to be allowed on cotton-wool, hemp and sunn, on exportation to the United Kingdom.

IX. On cotton-wool, hemp and sunn, the produce of any part of India, a drawback of the whole amount of the duty paid shall be allowed on exportation to the United Kingdom of Great Britain and Ireland, in the manner specified in clause first of the preceding Section.

Drawback allowed on other articles, on exportation to the United Kingdom.

X.* All other articles, including saltpetre, which are now liable to duty, shall, on exportation to the United Kingdom, in the manner specified in clause first, Section VIII of this Regulation, be liable only to a duty at the rate of (2½) two and a half per cent, and shall be allowed such a drawback as may reduce the duty already received to that rate, on the tariff valuation of the place of export. But no drawback shall be allowed, unless applied for when the goods are exported, and unless the application be accompanied by the rowannah or rowannahs granted when the duty, for which drawback is claimed, was collected.

With the foregoing exceptions, this Regulation not to affect the inland and transit duties.

XI. It is hereby declared that nothing contained in the present Regulation is to be construed to affect the inland and transit duties payable under the provisions of Regulations I, II and III, 1812, or any other existing Regulation.

This Regulation not applicable to trade on foreign bottoms.

XII. Nothing contained in this Regulation is intended to apply to the trade conducted on foreign bottoms, the duties on which, as specified in the existing Regulations, as well as the rules by which that trade is governed, are to remain on their present footing, until all the arrangements conse-

* *Vide Section* VII, *Regulation* VII, 1819.

quent on the treaties of peace shall have been completed.

XIII. Section VIII, Regulation IV, 1812, is hereby rescinded. Section VIII, Regulation IV, 1812, rescinded.

A. D. 1816. REGULATION III.

A REGULATION, for rescinding Regulation VI of 1806, and for authorizing the courts of sudder and foujdarry adawlut to sanction the occasional adjournment of the civil and criminal courts under the Presidency of Fort St. George.—Passed by the Governor in Council of Fort St. George, on the 23d April 1816.

IT having been found that the annual festivals called the Dussarah and Mohurrum are not held in equal estimation in all the provinces subject to the Presidency of Fort St. George, and that the wishes of the native officers and servants as well as the general convenience of the courts, would best be met by authorizing vacations of the different zillah and provincial courts at different periods; The Right Honorable the Governor in Council has enacted the following rules, to be in force from the date of their promulgation. Preamble.

II. Section XXIII, Regulation V of 1802; Regulation VI, A. D. 1806; and so much of Section VI, Regulation I, A. D. 1811, as declares the Rescissions.

rule contained in Section IV, Regulation VI of 1806, to be applicable to the fixing of the times for holding the quarterly jail deliveries at the sudder stations of the courts of circuit, are hereby rescinded.

Court of sudder and foujdarry adawlut to sanction occasional adjournments of the lower courts, and in like manner to adjourn themselves.

III. The courts of sudder and foujdarry adawlut are hereby empowered to permit, from time to time, the judges of the civil and criminal courts under the Presidency of Fort St. George, to adjourn their respective courts: and in like manner themselves to adjourn; so that such occasional adjournments of any court shall not collectively exceed two months in each year.

A. D. 1816. REGULATION IV.

A Regulation, for declaring the head inhabitants of villages to be moonsifs in their respective villages, to hear and decide civil suits for sums of money or other personal property to a limited amount, and for defining their jurisdiction.—Passed by the Right Honorable the Governor in Council of Fort St. George, on the 17th of May 1816.

Preamble.

With a view to lessen the business of the zillah courts, to diminish the expense of litigation in petty suits and to promote the speedy adjustment of such suits without subjecting individuals to the inconvenience attending a long absence from their homes; the Governor in Council has enacted the following Regulation, to be in force in the territories subject to the Presidency of Fort St. George.

II. Heads of villages shall, by virtue of their office, be moonsifs within their respective villages.

Heads of villages to be moonsifs within their villages.

III. First. In villages, whether permanently settled, rented, or in the hands of Government, where there may be more than one head man coming under the denomination of potail, reddy, peddacapoo, yajemaun, renter, or any other designation, the person who collects the revenue, and under whose authority the village servants act, shall be considered as the head of the village; no person shall act as head of the village, who does not generally reside in it; where there is but one resident renter of a village, he shall be considered as the head of the village; when the renter is not a resident, the person who rents, or manages, the village under him, shall be considered as the head of the village.

Heads of villages defined.

Second. Where from the names of two or more persons being introduced in the same pottah, as heads or renters of the village, or from any other cause, doubts may arise, as to whom the office of head of the village belongs, the collector shall select one person, and give him a pottah to act as the head of the village.

Where doubts may arise collectors are to select one person to act as head of the village.

IV. First. Village moonsifs shall not be required to take any official oath.

Village moonsifs exempt from oaths of office;

Second. Village moonsifs shall not be liable to be called before the district moonsif, to answer for their conduct as village moonsif in any case.

and from being called upon to answer for their conduct as moonsifs before the district moonsifs;

Third. Village moonsifs shall not be liable to be called before the zillah judge, to answer for their con-

or before the zillah judge.

Exception.

duct as village moonsif, except on charges of corruption, or of having exceeded the powers of fine, or imprisonment, granted to them by this Regulation.

Suits cognizable by village moonsifs.

V. First. Village moonsifs are empowered to hear, try, and determine, of their own authority and without appeal, such suits as may be preferred to them for sums of money or other personal property, the amount or value of which shall not exceed ten Arcot rupees.

No such suits to be entertained where the cause of action shall have arisen twelve years before the commencement of the suit.

Exceptions to the rule.

Second. Provided that, in the suits specified in the preceding clause of this Section, the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof, either that he had demanded the money, or matter in question, and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim within the period abovementioned to a competent authority, and in such case, that he assign satisfactory reasons to the moonsif why he did not proceed in the suit, or prove that, from minority or other good and sufficient cause, he was precluded from obtaining redress.

Village moonsifs prohibited trying suits for damages of any kind.

VI. Village moonsifs are hereby prohibited from receiving, or trying, any suit for damages on account of personal injuries, or for personal damages of any nature.

Village moonsifs prohibited trying suits in which they or their servants are interested.

VII. Village moonsifs are hereby prohibited from trying any suit in which they, or any of their immediate servants, are personally interested.

VIII. Village moonsifs are prohibited from trying and determining suits against any person, or persons, who may not be found to be actually resident within their jurisdiction at the time when such suits shall be preferred.

Village moonsifs prohibited trying suits against persons not resident in their jurisdiction.

IX. First. Plaintiffs and defendants shall be allowed to employ a relative, a servant, or a dependant, to plead before the village moonsif, on furnishing the person to be so employed with a vakalutnamah, describing his relation to his employer and the matter in which he is empowered to act.

Vakeels to be relatives, servants, or dependants of parties—to be furnished with vakalutnamahs.

Second. Village moonsifs shall not in any case permit any person to act as the vakeel of another, until such person shall have exhibited a vakalutnamah containing the information required by the preceding clause.

Persons not to act as vakeels, until their vakalutnamahs have been exhibited.

X. First. In hearing, trying, and determining civil suits, the village moonsifs shall be assisted by the village curnums, or persons holding the office of curnum for the time being, a part of whose duty it shall be to attend as assessors to write the proceedings of the moonsifs, and when required, to afford them their advice. But the village moonsif shall decide by his own opinion, whether it agree or not with that of the curnum.

Curnums to assi moonsifs.

Moonsifs to decide on their own opinion.

Second. The curnum shall keep registers of the suits preferred to the village moonsifs, entering each complaint in the order in which it may be received, in the form prescribed in Section XXXVI of this Regulation.

Curnums to keep registers of suits preferred to village moonsifs.

What the plaint is to contain.

XI. The plaint shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction.

Village moonsifs how to proceed on a complaint being preferred to them. Defendant to be summoned verbally.

XII. First. Upon a complaint being preferred in writing to the village moonsif, he shall, by a verbal summons, require the defendant to appear before him in person or by vakeel, immediately, or within two days from the delivery of the summons.

Summons by whom and how to be served.

Second. The summons shall be served by the village servant, usually employed in carrying messages, who shall be accompanied by the plaintiff, or his vakeel, to point out the defendant and to explain to him the demand against him.

On the non-appearance of the defendant on the day fixed, the village servant to make oath to the service of the summons.

Moonsif to give judgment exparte.

Third. If a defendant, having been served with a summons in the mode above prescribed, shall neglect or refuse to attend within the time limited, the village servant shall be called upon to make oath to the service of the summons; after which, the village moonsif shall proceed to give judgment on the plaintiff's vouchers and the evidence of his witnesses.

If a defendant appear plaint to be read to him.

XIII. If the defendant shall attend in obedience to the summons, the plaint shall be read over to him, and if he shall acknowledge that the plaintiff has a claim upon him, the village moonsif shall advise the parties to settle the matter amicably. If the plaintiff be satisfied by the defendant, the village moonsif shall cause him to execute a razeenamah,

stating in what manner the defendant has satisfied him, which razeenamah shall be certified by the village moonsif as having been executed in his presence, and he shall then deliver it to the defendant.

Razeenamah to be taken if the dispute be settled amicably; what it is to contain.

XIV. First. If the defendant, on the plaint being read over to him, shall object to the demand, and the parties shall be unable to adjust the dispute amicably, the village moonsif shall deliver to the defendant a copy of the plaint and shall require him to deliver his answer immediately, or on a certain day, not more than five days, after the day on which the plaint was read.

Otherwise copy of the plaint to be delivered to the defendant;

and his answer to be required.

Second. The answer shall contain all that the defendant has to state regarding the case, and no further pleading shall be admitted.

Answer to state all he has to say; no further pleadings to be admitted.

Third. When the answer has been filed, the village moonsif, either immediately, or on a fixed day as soon after as the business before him will permit, shall examine the truth of the complaint or claim; If the parties are willing to dispense with the examination of witnesses, the village moonsif shall give his decision on due consideration of the plaint and answer, and any vouchers which may be produced; or if either party is willing to let the cause be settled by the oath of the other, the village moonsif shall give his decision according to such oath.

When and how the truth of the complaint is to be examined.

XV. First. Village moonsifs are authorized to require the attendance of any person in their respective villages, who may be named as a witness by any

Village moonsifs may require the attendance of witnesses by a verbal summons.

party in a suit, by a verbal summons, fixing a day for the attendance of such witness.

By whom to be served.

Second. The summons shall be served by the village servant usually charged with carrying messages, attended by the parties or their respective vakeels to point out the witnesses.

Village moonsifs authorized to cause oaths to be administered to witnesses when necessary.

Third. The village moonsifs are authorized to cause an oath to be administered to witnesses, in cases where they may deem it necessary.

The village moonsif is to exercise this authority at his discretion.

Fourth. The village moonsif shall, previously to the examination of a witness, inform him that he has authority to cause an oath to be administered to him when he may think he is not giving his evidence correctly, which authority the village moonsif shall exercise at his discretion.

Witnesses to be examined viva voce.

Fifth. It shall not, in any case, be necessary to take the depositions of the witnesses in writing.

Witnesses refusing to attend or to answer liable to be fined.

Sixth. If a witness, duly summoned, shall refuse to attend, or attending shall refuse to answer, such witness shall be liable to be fined for every such offence, at the discretion of the village moonsif, in a sum not exceeding half a rupee.

Trial to be deferred if a necessary witness be absent from the village.

XVI. First. If any person, whose testimony is necessary in a suit, shall be temporarily absent from the village, the trial of the suit shall be postponed until his return.

How the evidence of a person residing in a different village is

Second. If in any case the evidence of a person residing in a different village shall be required

provided that the village be not farther distant than two coss, the moonsif requiring his attendance shall address a summons to such person, containing the names of the parties in the suit and fixing a day for his attendance, and shall forward it to the moonsif of the village in which such person shall reside, who shall cause the summons to be served by his own village servants, and shall return the summons, with a certificate that it has been duly served, to the moonsif who issued it.

to be obtained if within a distance of two coss.

Third. Any person refusing or neglecting to attend on such summons, shall be liable to be fined in a sum not exceeding one half of a rupee, which shall be levied by the village moonsif in whose jurisdiction such person may reside, on a communication of the order imposing the fine being made to such moonsif, by the moonsif by whom such order may be passed.

Persons refusing to attend on such summons liable to be fined.

Fine by whom to be levied.

Fourth. If the person whose evidence is required shall reside at a greater distance from the village than two coss, the village moonsif is authorized to request, by a letter bearing his signature, the moonsif of the village in which the person whose testimony is required may reside, to examine such witness on written interrogatories prepared by one or both parties, or by their vakeels. The village moonsif shall examine the witness or witnesses named in the letter, according to the requisition of it, and shall return the deposition of each witness duly subscribed by him, to the moonsif of the village where the cause may be depending, by the time required in the letter, and every deposition so taken, shall be received as good evidence in the cause.

How the evidence of persons residing in a different village is to be taken, if beyond a distance of two coss.

Attendance of women of rank or high cast not to be required.

Fifth. Village moonsifs shall not summon any woman to appear before them, whose rank or cast may render it improper to require her attendance; but when the evidence of such person is necessary, the village moonsif shall require her to furnish her deposition in writing, duly attested. The deponent shall state in her deposition, that she is prepared to swear to the truth of her deposition if required.

To furnish their evidence in writing.

Village moonsifs prohibited from requiring securities.

XVII. The village moonsifs, in suits depending before them, are hereby strictly prohibited from requiring securities of any kind from defendants.

Suits to be dismissed if the plaintiff do not attend at the time fixed for the trial, and not again revived. Proviso.

XVIII. First. If a plaintiff shall not attend on the day fixed for the trial, and the defendant shall be in attendance before the moonsif, the suit shall be dismissed, and shall not be revived, unless the plaintiff shall shew good and sufficient cause for his absence.

If the defendant do not attend, or refuse to answer, the suit to be tried exparte.

Second. If the defendant shall refuse to answer the plaint, or shall not attend on the day fixed for the trial, the village moonsif shall proceed to try the cause exparte, as prescribed in clause third, Section XII of this Regulation.

Parties or their vakeels and witnesses liable to fine for disrespect to village moonsifs.

XIX. Parties, or their vakeels, and witnesses, guilty of disrespect to a village moonsif, shall be liable to be fined by him, in a sum not exceeding one half of a rupee.

The decision to be passed after due consideration.

XX. When the parties have been heard, the exhibits received and considered, and the witnesses on both sides examined, the village moonsif shall give judgment according to justice and right.

XXI. The decree shall specify the names of the parties and the names of the witnesses examined, and the titles of the exhibits read. It shall also contain an abstract statement of the principal grounds and reasons on which the decision may be passed. It shall specify the sum of money or the value of the personal property adjudged. The decree shall bear the signature or mark and seal of the village moonsif and curnum, and shall be dated on the day on which it is passed.

What shall be contained in the decree.

XXII. Village moonsifs are hereby prohibited from allowing in their decrees a greater rate of interest in any case, than the courts of adawlut are permitted to allow by Regulation XXXIV of 1802.

Rate of interest to be allowed.

XXIII. Village moonsifs shall have authority to allow in their decrees such reasonable periods for their execution as may appear just in particular cases, not however in any case exceeding three months.

Village moonsifs may allow a reasonable period for the execution of their decrees.

XXIV. First. Village moonsifs shall within three days after passing a decree, cause two copies of it to be prepared by the village curnum, and shall deliver one copy to each party; the date of such delivery being certified by the signature of the moonsif and of the curnum.

Copies of the decree to be given to parties within three days after its date.

Date of the delivery to be certified by the moonsif and curnum.

Second. If the plaintiff or defendant shall not attend in person or by vakeel, to receive a copy of the decree, or shall refuse to receive it when tendered, the village moonsif shall cause such omission or refusal to be noted on the back of the copy of the decree so omitted to be taken or refused, and

Non-attendance on delivery of or refusal to receive the decree, to be noted on the back of it;

and the decree to be deposited with the curnum.

shall deposit it with the curnum for the purpose of delivering it to the party, if he shall afterwards claim it.

Village moonsifs not to punish any party, vakeel or witness. Exception.

Cases in which fines may be commuted for twelve hours confinement.

XXV. No village moonsif shall punish any party, vakeel, or witness, in any suit before him, excepting under the provisions specified in clause sixth, Section XV, clause third, Section XVI and Section XIX of this Regulation; provided however, that if the party, vakeel, or witness, shall refuse, or be unable, to pay the fine, the village moonsif may, at his discretion, commute such fine for twelve hours confinement in the village choultry.

Suits in which village moonsifs are parties, by whom to be tried.

XXVI. Suits in which the village moonsif is a party, shall be tried by the moonsif of another village, or by any competent authority.

Village moonsifs authorized as arbitrators to determine suits for sums of money or other personal property not exceeding one hundred rupees. Proviso.

XXVII. The village moonsif is authorized to hear, try, and determine as arbitrator, suits for sums of money or other personal property, the amount or value of which shall not exceed one hundred arcot rupees; provided both the parties interested in such suits, shall voluntarily agree in writing to refer them to his decision as arbitrator, and shall voluntarily subscribe bonds, in the presence of two or more credible witnesses who shall attest the same, binding themselves to abide by the decision of the moonsif to whom they may refer the suit, whether he be the moonsif of their own village or of any other village.

By what rules they are to be guided in deciding them.

XXVIII. In trying the suits described in the foregoing Section, the village moonsif shall be guided by the rules prescribed for his conduct in trying

suits preferred to him under the provisions of Section V of this Regulation, so far as those rules may be applicable.

XXIX. The decisions of village moonsifs, either as moonsif, or arbitrator, shall not be carried into execution by them in less than thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their vakeels; should either party present a petition to the zillah judge within that period, charging the village moonsif with corruption or gross partiality, the zillah judge shall order execution of the decree to be stayed, and if the charge of corruption or partiality be proved to the full satisfaction of the zillah judge, by the oaths of two credible witnesses at the least, he shall annul the decision.

Decisions of village moonsifs not to be carried into execution in less than thirty days after date of delivery.

On proof of corruption or partiality the zillah judge to annul the decision.

XXX. First. If the defendant shall not discharge the sum decreed against him within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties, or to their vakeels, or within the period limited in the decree, the village moonsif shall, on the written application of the party in whose favour the decree may be given, attach the property of the party cast to the value of the sum decreed, and shall give immediate notice of such attachment and of the day fixed for the sale, to the district moonsif, who shall send a peon to sell the attached property by public auction, in presence of the village moonsif, at the expiration of the time fixed in the notice of sale.

Property in certain cases to be attached in satisfaction of decrees.

Notice thereof to be given to the district moonsifs.

Process to be observed to sell the same.

Second. The peon deputed by the district moonsif shall not have any charge of the property under

The peon deputed not to have charge of the property under attachment.

Duty of the peon.

Receipt to be taken.

attachment. His duty shall be to sell the property and receive the purchase money, from which he shall pay to the party in whose favour judgment may be given, the amount decreed, taking his receipt attested by the village moonsif and curnum.

Batta to the Peon;

and all expenses attending the sale how to be defrayed.

Third. The peon deputed by the district moonsif shall be entitled to receive batta at the rate of two annas of a rupee per diem during his deputation, and the amount of such batta, together with every expense that may attend the sale, shall be defrayed by the party cast, or deducted from the proceeds of the sale, on the certificate of the moonsif and curnum that such amount of batta and such expenses are correctly charged.

Surplus to whom to be paid.

Receipt to be taken,

and produced to the district moonsif with what other vouchers.

Fourth. If any surplus shall remain of the proceeds of the property sold, after satisfying the decree and defraying the expenses incurred, including the batta of the peon, it shall be paid to the party cast, and his receipt for the same attested by the village moonsif and curnum shall be taken by the peon, and produced to the district moonsif, along with the receipt of the party in whose favour the decree may have been passed, and the certificate of the village moonsif of the amount of batta and expenses attending the sale, as the vouchers of his having correctly discharged his duty.

In cases of attachment what further notice is to be given.

Attachment to be

Fifth. Provided however, that in every instance of property being attached in execution of a decree, the village moonsif shall cause public notice of the intended sale of such property to be given by beat of drum through the village, five days previous to the sale; Provided further, that it shall be at

option of the party cast to satisfy the judgment at any time previous to the period fixed for the sale, and that on his satisfying the judgment by paying the amount to the village moonsif, or to the peon if he should have arrived, together with the batta of the peon and all other attending expenses, according to a certificate to be furnished by the village moonsif, the village moonsif shall withdraw the attachment and restore the property to the possession of the owner.

withdrawn on satisfaction of the judgment, being made previous to the time fixed for sale.

Sixth. Resistance to a sale ordered by a village moonsif shall be considered to be a breach of the peace, and shall be punished as such.

Resistance to a sale to be punished as a breach of the peace.

XXXI. The village curnum shall keep a register of all sales by auction in his village in satisfaction of decrees, noting therein the day of sale, the particulars of property sold, its amount, the name of the purchaser, and his residence.

Register of all sales by auction to be kept; what it is to contain.

XXXII. Suits tried by village moonsifs shall be exempt from fees, stamp duties, batta and charges of every description, excepting those specified in Section XXX of this Regulation.

Suits tried by village moonsifs exempt from fees, stamp duties, and all charges.

XXXIII. All fines levied by the village moonsifs shall be sent at the end of each month to the district moonsif, with a list stating the names and situations of the parties from whom such fines have been levied and the reasons for which the fines were imposed.

Amount of fines levied to be sent monthly to the district moonsif with lists.

What to contain.

XXXIV. First. The village moonsifs are prohibited from admitting as an exhibit, or from receiving in evidence, any obligation, bond, deed, or document, whether it be the original or a copy, of a

No exhibits to be admitted which are not written on the prescribed stampt paper or cadjan.

description which is or may be required to be written on stampt paper or stampt cadjan, unless it shall have been duly executed on stampt paper or stampt cadjan of the description and value prescribed by the Regulations.

A list of rates of duties on stampt paper and stampt cadjans to be lodged with the village curnum.

Second. A list of the prescribed rates of duties on stampt paper, and stampt cadjan, specifying the dates on which it was enacted that the collection of those duties respectively should commence, shall be furnished by the collectors to every village curnum in their respective zillahs, for the guidance of the village moonsifs.

Village moonsifs liable to prosecution for corruption or oppressive and unwarranted acts.

Punishment on conviction.

Not liable to prosecution for errors or want of form.

Proviso under which process is to be issued on charges of corruption.

XXXV. First. Village moonsifs shall be liable to prosecution in the zillah court for corruption in the discharge of their trust, by either party in the suit, and for any oppressive and unwarranted act of authority by the party injured, and upon proof of the charge to the satisfaction of the judge, he shall in the first mentioned case, adjudge the offender to pay the prosecutor three times the amount, or value of the money or property corruptly received, with all costs of suit; and in the second, award such damages and costs to the party injured as may appear to him equitable; But no village moonsif shall be liable to be prosecuted for want of form, or for error in his proceedings or judgment; nor shall any process whatever be issued against a village moonsif, who may be charged with corruption, or any oppressive and unwarranted act of authority, unless the judge shall be previously satisfied by sufficient evidence, that there is probable cause to believe that the charge is well founded, and unless the charge shall be preferred within three months from the date of the act complained of.

Second. The zillah judge shall, on charges of corruption, fine the party by whom or for whom the corruption may have been practised in the suit, provided he shall have assented to such corruption, in a sum equal to the value of the thing or sum of money which the village moonsif may be proved to have so corruptly received.

The party by whom or for whom the corruption is practised, to be fined. Proviso.

Third. If the corruption charged against any village moonsif shall not be proved to the satisfaction of the zillah judge, he shall award full costs and such damages to the village moonsif as may appear to him equitable, and he shall levy a fine from the party making such groundless charge, not exceeding the value of the thing or sum of money charged to have been corruptly received.

If the corruption be not proved the moonsif to have damages and costs, and the party making the groundless charge to be fined.

XXXVI to XXXVIII. *Rescinded by Section* II, *Regulation* IX, 1828.

XXXIX. A copy of this Regulation shall be lodged with and preserved by each village curnum, for the information of the village moonsifs.

Copy of this Regulation to be lodged with the village curnum.

A. D. 1816. REGULATION V.*

A Regulation, for authorizing village moonsifs to assemble village punchayets for the adjudication

* *Vide Section* XIV, *Regulation* XV, 1816; *and Clause second, Section* XV, *Regulation* V, 1822.

of civil suits for sums of money or other personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such village punchayets.—Passed by the Right Honorable the Governor in Council of Fort St. George, on the 17th May 1816.

Preamble.

It being desirable, with a view to diminish the expense of litigation and to render the principal and more intelligent inhabitants useful and respectable by employing them in administering justice to their neighbours, that civil suits between the native inhabitants of the territories subject to the presidency of Fort St. George should be referred for adjudication to assemblies denominated punchayets, and that for the purpose of facilitating such reference, the village moonsifs should be authorized to summon a punchayet on the application of both parties in a suit, and to refer such suit to be heard, tried, and determined by such punchayet, and it being deemed expedient to protect members of village punchayets from being called to account for their conduct in the performance of these duties, except on charges of corruption; The Governor in Council has enacted the following rules.

Village moonsifs authorised to summon punchayets within their respective villages for the decision of suits for sums of money or other personal property of any amount or value.

II. First. Village moonsifs are hereby declared to be authorized to summon punchayets within their respective villages for the decision of suits for sums of money or other personal property, without limitation as to amount or value, in the two following cases.

Second. In suits where both plaintiff and defen-

dant may jointly agree that the matter at issue shall be determined by a village punchayet without appeal, and may prefer a request in writing to the village moonsif to summon a punchayet, whether he be the moonsif of the village in which the parties reside, or of any other village; or where one party having preferred a request in writing to the village moonsif to summon a punchayet, the other party being an inhabitant of the same village on being summoned by the village moonsif shall attend and voluntarily give his assent in writing to the village moonsif agreeing to that mode of trial.

Proviso.

Third. Provided however, that in the cases specified in the preceding clause of this Section, the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof, either that he had demanded the money or matter in question and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim within the period abovementioned, to a competent authority; and in such case that he assign satisfactory reasons to the punchayet why he did not proceed in the suit, or prove that from minority or other good and sufficient cause, he was precluded from obtaining redress.

No such suits to be entertained when the cause of action shall have arisen twelve years before the commencement of the suit,

Exception to the rule.

III. First. The village punchayet shall always consist of an odd number, never less than five nor more than eleven, and the majority shall decide.

Punchayet to consist of an odd number; the majority shall decide.

Second. The village punchayet shall be composed of the most respectable inhabitants of the village, who shall be called upon to serve in rotation when-

Of whom to be composed.

ever their number is sufficient for this purpose; and any inhabitant of the village refusing to serve on a village punchayet, shall be liable to be fined at the discretion of the village moonsif in a sum not exceeding five arcot rupees, which shall be levied if necessary, by the village moonsif, under the provisions for the execution of decrees in Section XXX, Regulation IV, 1816.

Refusing inhabitant liable to fine.

How to be levied.

Inhabitant of a neighbouring village may be placed on a punchayet.

Third. Any respectable inhabitant of a neighbouring village may be placed on a village punchayet, if he be willing to undertake the duty.

When the parties are of different casts, how the punchayet is to be formed.

Fourth. When the parties in suits are of different casts, or professions, the village moonsif shall in all practicable cases, name an equal number of persons of the cast or profession to which each party may belong, to compose a part of the village punchayet, and shall complete the punchayet by the selection of a person or persons belonging to a cast or profession different from that of both the parties.

Challenged members to be withdrawn.

Fifth. If either party shall object to any one or more of the members nominated to compose the village punchayet, and the village moonsif shall consider such objection to be well grounded, he shall withdraw the members objected to and appoint others to serve in their stead.

When the parties consent, each to name two members and the moonsif one; in other cases the moonsif is to name the whole punchayet.

Parties naming two

Sixth. When the parties may desire it, they shall each name two members, and the village moonsif shall name another person who may be unobjected to by the parties, to form the punchayet; But on all other occasions, the whole shall be nominated by the village moonsif; the practice of the parties

naming two members each, shall never be allowed when it can be avoided.

each to be avoided if possible.

IV. First. The village punchayet being formed as prescribed in the foregoing Section, shall proceed to investigate the matter referred to them, in conformity to the following rules.

How the punchayet is to proceed.

Second. The village punchayet shall commence their proceedings, by requiring from the parties an agreement in writing to abide by the decision of such punchayet, whose names shall be inserted in the agreement, which shall be witnessed by the village moonsif and curnum, and dated on the same day.

An agreement to be taken from the parties to abide by the decision of the punchayet.

Third. Vakeels for plaintiffs and defendants shall be admitted to plead before village punchayets, provided that every person so appearing as a vakeel, be a relative, servant, or dependant of the person by whom he may be employed; and provided he be furnished with a vakalutnamah, describing his relation to his employer and the matter in which he is empowered to act: such vakalutnamah shall be exhibited by the vakeel, before he be permitted to do any act in the suit.

Vakeels to be relatives, servants, or dependants, of the parties employing them.

To be furnished with vakalutnamahs.

Fourth. The parties being present in person or by vakeel, the village punchayet shall receive the written plaint of the complainant, which shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction.

Plaint to be received in presence of the parties or their vakeels.

What it is to contain.

Plaint to be read to the defendant.

Fifth. The plaint shall be read to the defendant or his vakeel, and the defendant or his vakeel shall be required by the punchayet to give in his answer, either immediately, if he shall be prepared to deliver it, or on a day to be fixed, which shall not be later than one week from the reading of the plaint.

Answer to be required.

Answer to state every thing regarding the case; no further pleadings to be admitted.

Sixth. The defendant shall state in his answer all that he has to say regarding the case, and no further pleadings shall be admitted.

Exhibits and lists of witnesses to be then received and a day to be fixed for the trial.

Seventh. The village punchayet, after the answer has been given in, shall receive from the plaintiff and defendant their exhibits and lists of their witnesses, and shall fix an early day for the trial, with reference to the convenience of the parties and witnesses respectively.

Lists of witnesses and the day fixed for trial to be communicated to the village moonsif. How he is to proceed.

Eighth. The village punchayet shall immediately communicate the lists of witnesses and the day fixed for the trial, to the village moonsif, who shall require the witnesses to be in attendance on that day.

How the depositions of witnesses are to be taken.

In what cases to be committed to writing.

Ninth. The parties and witnesses being in attendance on the prescribed day, the village punchayet shall proceed to take the depositions of the witnesses, in the manner usual in the cast to which they may respectively belong, on separate papers or cadjan leaves in all cases in which the matter at issue may exceed the value or amount of twenty arcot rupees; the deposition shall be read over to the witness, who shall then subscribe the deposition with his, or her, name or mark.

Tenth. In cases in which the matter at issue may be of smaller amount or value than twenty arcot rupees, it shall be discretionary with the village punchayet to take the depositions of the witnesses in writing or not.

In other cases the punchayet to use its discretion.

Eleventh. The village punchayets are authorized to cause an oath to be administered to witnesses in cases where they may deem it necessary.

The punchayet authorized to cause oaths to be administered to witnesses when necessary.

Twelfth. The village punchayets shall not put a question to any witness suggesting a particular answer, and shall previous to the examination of a witness inform him, that they have authority to cause an oath to be administered to him when they may think he is not giving his evidence correctly, which authority the village punchayets shall exercise at their discretion.

Questions suggesting a particular answer not to be put.

Oaths to be administered to witnesses at the discretion of the punchayet.

Thirteenth. If the parties or either of them, shall fail to appear in person or by vakeel, at the time fixed for the trial, the village punchayet shall suspend the trial and report it to the village moonsif, who shall cause to be affixed in some conspicuous place of the village a notice, specifying that the suit will be tried on a given day, which shall not be less than five days from the date of the notice.

Trial to be suspended on the non-appearance of the parties or either of them.

To be reported to the village moonsif. Notice to be fixed what containing.

Fourteenth. If the plaintiff shall not appear at the time fixed in the notice, the village punchayet shall dismiss his suit, which shall not be revived, unless the plaintiff shall shew good and sufficient cause for his absence.

Suit to be dismissed on the non-appearance of the plaintiff.

Fifteenth. If the defendant shall refuse to answer

Cause to be tried

exparte on the defendant's refusal to answer the plaint, or non-appearance.

the plaint or shall not attend at the time fixed in the notice, the village punchayet shall proceed to give judgment on the plaintiff's vouchers and the evidence of his witnesses.

What circumstances to be reported to the village moonsif.

V. In cases where a witness shall neglect to attend, or attending, shall refuse to give his testimony, or shall be otherwise guilty of disrespect to the village punchayet, as also where the evidence of a person is required who resides beyond the jurisdiction of the village moonsif, as also in the cases of persons whose testimony may be required, but whose rank or cast may render it improper to require their attendance, as also when the parties or their vakeels may be guilty of disrespect to the village punchayet, the punchayet shall report the circumstances to the village moonsif, who is hereby authorized and directed, on receiving such reports, to take the same measures for procuring the attendance, or testimony of the witnesses, or for punishing the contempts, as he would have taken under Sections XV, XVI and XIX, Regulation IV, 1816, if the circumstances represented had occurred before himself.

How he is to proceed.

When the decree is to be written.

VI. When both parties have been heard and the whole of the evidence has been gone through, the village punchayet shall order the parties and witnesses to withdraw, and shall write their decree according to justice and right.

What the decree is to contain.

VII. The decree of the village punchayet shall contain the names of the parties, and the names of the witnesses examined, and the titles of the exhibits read; it shall also contain an abstract statement of

the principal grounds and reasons on which the decision may be passed; it shall specify the sum of money or the value of the personal property adjudged; the decree shall bear the signature or mark of the members of the punchayet, and shall be dated on the day on which it is passed.

Copy of the decree to be delivered to each party.

VIII. Two copies of the decree shall be prepared by the village punchayet, and shall be put under a sealed cover and delivered to the village moonsif, who shall require the parties, together with the punchayet, to assemble immediately, or at a convenient day, not being later than three days from his receipt of the decree; the village moonsif shall open the seal in presence of the parties and shall cause the curnum to endorse on each copy of the decree, the date of the delivery thereof, which shall be attested by the signature of the village moonsif, the curnum, and any member of the punchayet; the village moonsif shall then cause the punchayet to deliver to each party, in his presence, a copy of the decree; but no communication shall be made to the village moonsif, or to either party, of the nature of the decree, previously to its delivery.

Date of the delivery to be endorsed.

How to be attested.

Previous to delivery no communication of the nature of the decree to be made.

Non-appearance or refusal to receive a copy to be endorsed on it;

IX. If either the plaintiff or defendant shall fail to appear in person or by vakeel, to receive a copy of the decree, or having attended shall refuse to receive a copy, the village moonsif shall cause the curnum to endorse on the copy intended for such party, such omission or refusal, and the date; the village moonsif shall attest the same with his signature, which shall be witnessed by the curnum and any member of the punchayet; the copy so endorsed shall be deposited with the village

and copy so endorsed to be deposited with the curnum.

curnum, to be delivered to the party afterwards claiming it.

Proceedings of the punchayets to be written by one of the members or the curnum.
Stamp paper not necessary.

X. The proceedings of the village punchayet shall be written, either by one of the members or by the village curnum, and no stamp paper need be used in plaint, answer, or any process.

No appeal allowed from the decrees of punchayets.

In cases of gross partiality how the parties to proceed.

XI.* First. No appeal shall be permitted from decisions passed by village punchayets under this Regulation; but if the village punchayet shall be guilty of gross partiality, it shall be at the option of either party to bring the matter by petition, upon stamp paper of the prescribed rate according to the amount of the suit, before the judge of the zillah.

Petition only to be received, if presented within the period limited.

Second. The petition shall not be received unless it be presented, with the decree complained of, within thirty days after the date on which copies of the decree may have been furnished or tendered to the parties or to their vakeels.

When received, execution of the decree to be stayed.

Third. If the petition be received, the judge shall order the execution of the decree to be stayed pending the enquiry.

Decree to be annulled by the provincial court on proof of partiality to their satisfaction.

Fourth. If the partiality charged against the punchayet shall be established to the satisfaction of the judge, by the oaths of two credible witnesses at the least, he shall, in every case, whatever the amount or value of the suit may be, submit his proceedings, with his opinion on the case, to the provincial court of appeal, who, provided the charge be proved by

* *Vide Clause second, Section* VIII, *Regulation* VI, 1821.

such proceedings to their satisfaction, shall annul the decision, and the parties shall be at liberty to have recourse to another punchayet, or to any other competent jurisdiction.

Fifth. Provided however, that where the decision of a second punchayet shall agree with the decision of a former punchayet in the same suit, it shall be final.

Decision of a second punchayet agreeing with that of a former one in the same suit, to be final.

Sixth. Petitions to the judge of the zillah under this Section, shall be presented by the parties in person or by an authorized vakeel of the court, to whom a fee of four annas of a rupee shall be allowed and no more, and the parties shall not be subjected to any other charge whatever.

Petition to the judge by whom to be presented.

Fee payable to the vakeel presenting them.

XII. Village moonsifs shall not receive or refer to a punchayet for trial, any suit for damages on account of personal injuries, or for personal damages of whatever nature.

Village moonsifs not to receive or refer to punchayets any suits for personal damages.

XIII. Suits tried by village punchayets shall be exempt from fees, stamp duties, batta and all charges of every description, except the cost of the paper or cadjan leaves on which the proceedings and decree may be written, the amount of which shall be inserted in the decree and be levied from the party cast.

Suits tried by village punchayets exempt from fees, stamp duties and all charges Exception.

XIV. Village punchayets shall not allow in their decrees, a larger rate of interest than village moonsifs are authorized to allow under Section XXII, Regulation IV, 1816.

Rate of interest to be allowed.

XV. In respect to the admission of obligations, deeds, and documents, the village punchayets shall be

By what rules they are to be guided with respect to the

admission of obligations, deeds, and documents.

guided by the rules prescribed in Section XXXIV, Regulation IV, 1816.

Village moonsifs to carry into execution the decrees of village punchayets.

XVI. First. Decrees of village punchayets in cases referred to them under this Regulation, shall be carried into execution by the village moonsif under the rules prescribed in Section XXX, Regulation IV, 1816, provided the amount or value of the sum of money or other personal property adjudged shall not exceed one hundred arcot rupees.

Proviso.

In what cases the decrees are to be carried into execution by the district moonsif.

Second. In suits for sums of money or other personal property, the amount or value of which shall exceed one hundred, but not exceed two hundred arcot rupees, the decrees of village punchayets shall be carried into execution by the district moonsifs, on the written application of the party praying execution of the judgment.

In all other cases the decrees of village punchayets to be carried into execution by the zillah judge.

Third.* In all other cases, the decisions of village punchayets shall be carried into execution by the zillah judge, in the mode prescribed by the Regulations.

Petitions to the judge praying execution of the decrees of village punchayets to be written on stampt paper.

XVII. Petitions to the judge of the zillah praying execution of the decisions of village punchayets, shall be written on stampt paper of the prescribed rate, according to the amount decreed, and shall be presented by the parties in person or by an authorized vakeel of the court, to whom a fee of four annas of a rupee shall be allowed and no more, and such application shall not be subjected to any other charge whatever.

Fee to the vakeel presenting the petition.

* *Vide Clause second, Section* XIV, *Regulation* XV, 1816.

XVIII.* First. Any member, or members of village punchayets, shall be liable to prosecution in the zillah court, for corruption in the discharge of their trust, by either party in a suit, which may have been referred to such punchayet, and upon proof of the charge to the satisfaction of the zillah judge, he shall adjudge the offender, or offenders, to pay the prosecutor three times the amount or value of the money or property corruptly received, with all costs of suit; but members of village punchayets shall not be liable to be prosecuted for want of form, or for error in their proceedings or judgment; nor shall any process whatever be issued against a member or members of a village punchayet who may be charged with corruption, unless the judge shall be previously satisfied by sufficient evidence, that there is probable cause to believe that the charge is well founded, and unless the charge shall be preferred within three months from the date of the act of corruption complained of.

Members of punchayets liable to prosecution for corruption.

Punishment on conviction.

Not liable to prosecution for errors or want of form.

Proviso under which process is to be issued on a charge of corruption.

Second. The zillah judge shall further fine the party by whom, or for whom, the corruption may have been practised in the suit, provided he shall have assented to such corruption, in a sum equal to the value of the thing or sum of money which any member or members of such village punchayet may be proved to have so corruptly received.

The party by whom or for whom the corruption is practised to be fined.

Third. If the corruption charged against any member or members of such village punchayet shall not be proved to the satisfaction of the zillah judge, he shall award full costs and such damages to the

If the corruption be not proved, the accused to have damages and costs awarded to him or them, and the party mak-

* *Vide Clause third, Section* VIII, *Regulation* VI, 1821.

ing the groundless charge to be fined.

member or members complained against, as may appear to him to be equitable, and he shall levy a fine from the party making such groundless charge, not exceeding the value of the thing or sum of money charged to have been corruptly received.

XIX. *Rescinded by Section* II, *Regulation* IX, 1828.

A copy of this Regulation to be lodged with the village curnum.

XX. A copy of this Regulation shall be lodged with and preserved by each village curnum, for the information of the village moonsifs and members of village punchayets.

A. D. 1816. REGULATION VI.

A REGULATION, for reducing into one Regulation, the rules which have been passed regarding the office of native commissioners, for modifying and extending their powers in the trial and decision of civil suits, and for authorizing them under the designation of district moonsifs, to discharge certain additional duties.—Passed by the Right Honorable the Governor in Council of Fort St. George, on the 17th May 1816.

Preamble.

WHEREAS the rules which have been enacted for constituting the office of moonsifs or native commissioners for the trial and decision of causes of a certain amount, have appeared in some instances to require revision; and whereas it is expedient with

the view of expediting the trial and decision of civil suits, to extend the jurisdiction of the said moonsifs, and to authorize the judges of the zillah courts to employ them in the execution of certain additional duties; and whereas it will contribute to the public convenience, to transfer to the provincial courts the controul now exercised by the sudr adawlut, in the appointment and removal of moonsifs, and to reduce into one Regulation the provisions applicable to the office of district moonsifs: the following rules have been enacted.

Regulations rescinded.

II. Regulation XVI of 1802; such part of Section XXIII, Regulation XXVIII of 1802, as regards native commissioners; Section II, and such part of Section V, Regulation V of 1808, as regards native commissioners; clauses third, fourth and fifth, Section XIII, and Sections XIV, XV, XVI, XVII, XVIII, XIX, XX and XXIII, Regulation VII of 1809, and Section IX, Regulation II of 1811, are hereby rescinded.

Commissions to referees and arbitrators to be cancelled.

III. On the receipt of this Regulation, the zillah judges shall recal and cancel all commissions which may have been granted to natives, authorizing them in the capacity of referees and arbitrators only, and not in that of moonsifs, to hear and determine civil suits; and the office of referee and arbitrator as a distinct office, shall be abolished.

Moonsifs being referees and arbitrators to determine all depending suits before them.

IV. In cases in which the office of referee and arbitrator is united with that of moonsif, such moonsif is authorized to hear and determine all causes now depending before him, whether in his capacity of moonsif, referee, or arbitrator.

The number of moonsifs to be fixed by Government. New establishment of moonsifs to be submitted by zillah judges to the provincial courts;

and places to be fixed on for their cutcherries.

V. First. The number of district moonsifs for each zillah, shall be fixed by Government. The judges of the several zillahs shall, on the receipt of this Regulation, prepare and submit to the provincial courts, a new establishment of district moonsifs, *whose local jurisdictions shall be so arranged, as to include one* or more whole tahsildaries or police jurisdictions.* They shall at the same time report, to the provincial courts, the name of the town or village in each jurisdiction, which may be best adapted for the establishment of each moonsif's cutcherry.

Former sunnuds to moonsifs to be cancelled on the approval by the provincial court of the selection of moonsifs for each zillah.

Second. When the selection of district moonsifs for each zillah and the places in which their respective cutcherries are to be held, shall have been approved by the provincial courts, the whole of the sunnuds which may have been formerly granted to moonsifs, shall be recalled and cancelled, and their offices abolished.

No person to officiate as district moonsif without the sanction of the provincial court on the recommendation of the zillah judge.

VI. The zillah judges shall recommend to the provincial courts the persons whom they may deem fit for the office of district moonsif, but no person shall be authorized to officiate as a district moonsif without the previous sanction of the provincial court, nor unless he be of the Hindoo or Mahomedan persuasion.

Mode of proceeding for the removal of moonsifs from office.

VII.† First. Whenever a zillah judge shall see cause for the removal of a district moonsif, the judge shall report the circumstances of the case, with his

* *Rescinded by Section* II, *Regulation* II, 1828.

† *Vide Section* VI, *Regulation* II, 1821.

opinion, to the provincial court, who will pass such order on the report as may appear to be proper.

Zillah judges in certain cases to suspend moonsifs from office;

Second. Whenever a district moonsif may be guilty of exaction, or of any other gross act of misconduct, the judge is authorized to suspend him from his office; but he shall report the circumstances of the case, without delay, to the provincial court.

Or to fine them as far as twenty rupees.

Third. In other cases of misconduct and neglect of duty, which may not be of a nature to require either the suspension or dismissal of a district moonsif from his office, the judge is authorized to impose on the moonsif a fine, not exceeding twenty rupees in amount, and the order of the judge in such cases shall be final.

Moonsifs to be dismissed only by the provincial courts.

Fourth. No district moonsif shall be removed from his office, unless the provincial court shall be satisfied that there is sufficient cause for his removal.

Moonsifs may be sued for corruption and are liable to costs and damages.

VIII.* First. District moonsifs shall be liable to an action in the civil courts, for corruption in the discharge of their trust, or for extortion, or for any oppressive or unwarranted act of authority; and upon proof of the charge to the satisfaction of the judge, he shall cause the offender to pay such damages and costs to the party injured, as may appear to be equitable.

Moonsifs liable to criminal prosecutions and to fine and imprisonment.

Second. District moonsifs shall also be liable to a criminal prosecution, for extortion, or other acts of oppression committed by them in the discharge

* *Vide Section* XIII, *Regulation* VIII, 1816.

of their duty, and on conviction before the court of circuit, shall be subject to fine and imprisonment, proportionate to the nature and circumstances of the case; but no moonsif shall be liable to be prosecuted for want of form, or for error in his proceedings or judgments; nor shall any process be issued against a moonsif, who may be charged with extortion or any oppressive or unwarranted act of authority, unless the judge shall be previously satisfied by sufficient evidence, that there is reason to believe the charge to be well founded.

Process not to be issued without previous enquiry into the charge.

District moonsifs to be furnished with a sunnud;

and to take and subscribe an oath or solemn declaration.

IX. Every person who may, in future, be appointed to the office of district moonsif, shall be furnished by the judge, with a sunnud drawn up according to the form No. 1 of the appendix to this Regulation; and previously to entering upon the duties of his office, he shall take and subscribe an oath according to the form prescribed in No. 2 of the appendix. The judge, however, is empowered, in all cases in which he may deem it expedient, to exempt such moonsif from taking the oath, and to cause him to subscribe a solemn declaration to the same effect.

Copy of the sunnud to be affixed in their cutcherries.

X. Whenever a sunnud may be granted to a district moonsif, under the preceding Section, a copy of it, under the official seal and signature of the judge, shall also be delivered to him, in order that it may remain permanently affixed in some conspicuous place in his cutcherry.

Amount of suits cog-

XI*. First. The persons who may be invested

* *Jurisdiction extended by Section* IV, *Regulation* II, 1821.

with the powers of district moonsif under this Regulation, are empowered to receive, try and determine all suits preferred to them against any native inhabitant of their respective jurisdictions, under the following limitations.

nizable by district moonsifs.

Second. For land exempt from the payment of rent in money or in kind, either to Government or to any person representing Government and receiving its dues, the annual produce of which land shall not exceed twenty arcot rupees.

Third. For land subject to the payment of rent in money or in kind, either to Government or to any person representing Government and receiving its dues, the annual produce of which land shall not exceed two hundred arcot rupees.

Fourth. For houses, gardens or any real property not of the descriptions before mentioned, the value of which shall not exceed two hundred arcot rupees.

Fifth. For sums of money or other personal property, the amount or value of which shall not exceed two hundred arcot rupees.

Sixth. Provided that in the cases specified in the preceding clauses of this Section, the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof, either that he had demanded the money or matter in question, and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim

No such suits to be entertained when the cause of action shall have arisen twelve years before the commencement of the suit.

Exceptions to the rule.

within the period abovementioned to a competent authority, and in such case, that he assign satisfactory reasons to the moonsif why he did not proceed in the suit, or prove that, from minority or other good and sufficient cause, he was precluded from obtaining redress.

Prohibited trying suits for damages of any nature without orders.

XII. First. District moonsifs shall not receive or try any suit for damages on account of personal injuries or for personal damages of any nature, without an order of reference to them from the zillah court.

Also from trying suits in which certain persons may be parties.

Second. District moonsifs are prohibited from hearing, trying or determining any suits in which they themselves, or their relatives or dependants, or other persons employed in their cutcherries may be parties, or in which a British subject, or an European foreigner, or an American may be a party.

And from admitting persons to sue as paupers.

Third. District moonsifs are farther prohibited from allowing any party in a suit to plead before them in formâ pauperis.

Suits to be tried by the moonsifs themselves and under what rules.

XIII. District moonsifs are themselves to investigate the suits cognizable by them, in a public cutcherry or court room, and are not to allow their officers, servants or dependants, or any other person to interfere therein. In receiving, trying and determining suits, they shall be guided by the rules prescribed in this Regulation, and in points not expressly provided for in this Regulation, they shall observe as nearly as may be practicable, the rules prescribed in the Regulations for the guidance of the zillah courts in the trial and decision of civil suits.

XIV. First. The zillah judges shall recal and cancel all sunnuds granted to vakeels under Section XVII, Regulation VII of 1809.

Certain sunnuds to be recalled and cancelled.

Second. Plaintiffs and defendants shall be allowed to employ a relative, a servant or a dependant to plead before the district moonsif, on furnishing the person to be so employed with a vakalutnamah, describing his relation to his employer and the matter in which he is empowered to act.

Vakeels to be tives, servants or dependants of their employers.

To be furnished with vakalutnamahs; containing what.

Third. District moonsifs shall not in any case, permit any person to act as the vakeel of another, until such person shall have exhibited in open court a vakalutnamah containing the information required by the preceding clause.

Vakeels not to act until their vakalutnamahs have been exhibited.

XV. District moonsifs are hereby prohibited from allowing in their decrees a greater rate of interest in any case than the courts of adawlut are permitted to allow by Regulation XXXIV of 1802.

Rate of interest to be allowed.

XVI.* First. *Rescinded by Section* III, *Regulation* II, 1828.

Second. They shall not receive any such suits until the prescribed fee shall have been paid.

No suit to be received until the fees be paid.

Third. They shall endorse on the petition the amount of the fee and the date of the receipt, and sign the endorsement.

The payment to be endorsed on the petition.

XVII. The plaint shall state precisely the

What matters are to

* *Vide Section* V, *Regulation* II, 1821.

be stated in the plaint.

grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction.

The insertion of irrelevant matter in the plaint to be restrained.

Plaint to be signed, numbered and dated.

XVIII. It shall be the duty of the district moonsif to prevent the insertion in the plaint of any irrelevant matter. The plaint shall be signed and numbered, and dated in the order in which it may be received by the moonsif, and the number of the suit, the names of the parties, the date on which the petition is received, the amount claimed, and the subject matter of the suit, the date and abstract of the decree, the date on which copies of the decree were furnished or tendered to the parties, and the amount of the institution fee, shall be entered in a book to be kept by the moonsif, according to the form No. 3 of the appendix. The zillah judge shall inspect these register books at least once a year, with a view to ascertain that depending suits are brought to a hearing according to their order on the file, and shall require the district moonsif to transmit them to the court for this purpose.

A register book to be kept, what to contain; to be inspected yearly by the judge.

What notice to be served on the defendant.

XIX. First. When the complaint shall have been thus received and entered in the book, the district moonsif shall cause to be served on the defendant a written notice under his seal and signature, containing only the number of the suit, the names of the parties and a short statement of the demand, and requiring the defendant to attend in person or by vakeel, and to deliver an answer to the plaint on or before a certain day, which must be specified in the notice.

Second. The district moonsif shall deliver the notice to the plaintiff or to his vakeel, and the plaintiff may either himself serve the notice on the defendant, or through any other person whom he may choose to employ for that purpose; provided however, that the name of the person intended to be employed in this duty be, in all cases, endorsed on the notice by the district moonsif, previously to its being delivered to the plaintiff or his vakeel for execution.

To whom the notice is to be delivered.

Third. The person through whom this notice may be served, shall require from the defendant a written acknowledgment, to be endorsed on the back of the notice, signifying that it has been duly served upon him; and he shall further cause some of the defendant's neighbours, or other inhabitant, to witness the due execution of the service, and he shall at all times state in his report the name or names of such witness or witnesses.

And how it is to be served.

XX. If a defendant, who may have been served with a notice, shall not appear in person or by vakeel within the time specified, and the moonsif shall be satisfied by sufficient evidence, that the notice was duly served, or if the defendant having appeared shall refuse to answer the plaint, the district moonsif shall proceed to try the cause exparte, and after examining the plaintiff's evidence in support of his claim, the district moonsif shall give judgment in the same manner as if the defendant had appeared and answered to the plaint.

Under certain circumstances the cause to be tried exparte.

XXI. First. In cases in which a defendant to whom a notice may have been issued, may abscond or conceal himself, or cannot after diligent search be

The absence of the defendant or his refusal to acknowledge the service how to be certified.

found, or shall refuse to give the required written acknowledgment, the person entrusted with the execution of the process shall certify the same on the back of the notice, and shall require some person or persons, being neighbours of the defendant, to attest the same.

In such cases proclamation to be issued.

Second. When a return to this effect is made, the district moonsif shall cause a proclamation, written in the current language and character of the country, to be affixed in a conspicuous part of his own cutcherry, and a copy of the same on the outer door of the defendant's usual place of residence, or some other conspicuous place near it; the proclamation shall contain a copy of the original notice, and shall state that, if the defendant do not appear in person or by vakeel within the period of fifteen days from the date of the proclamation, the suit will be brought to a hearing and determined without the appearance or answer of the defendant.

What it shall contain.

If the defendant do not attend within the time limited in the proclamation the suit is to be tried exparte.

Third. If the defendant shall still not appear in person or by vakeel, the district moonsif, on the expiration of the period limited in the proclamation, shall proceed to try and determine the suit exparte, as is prescribed in Section XX of this Regulation.

Moonsifs prohibited requiring security from defendants.

XXII. In suits depending before them, the district moonsifs are hereby strictly prohibited from requiring security of any kind from the defendants; if the moonsif shall be satisfied by sufficient proof, that the defendant intends to abscond and to withdraw himself from the jurisdiction of the court, or that he means to dispose of the property in his possession for the purpose of avoiding the execution of

an eventual judgment against him, the district moonsif is hereby empowered to attach the defendant's property to the amount of the claim, and to hold it in attachment till the decree is satisfied.

Empowered in certain cases to attach their property to the amount of the claim.

XXIII. When the defendant shall attend, either in person or by vakeel, within the period limited in the notice or proclamation, or at any subsequent period before the plaintiff's evidence or proofs shall have been received in the case, he shall be allowed to take a copy of the plaintiff's petition and to file his answer to the complaint.

Defendant to file an answer to the plaint any time before the plaintiff's evidence be received.

XXIV. It shall be the duty of the district moonsifs to restrain and discourage, as much as possible, the insertion in the answer of any matter evidently irrelevant to the suit; but the defendant shall state in his answer all that he has to say regarding the case, and no further pleadings shall be admitted.

Moonsifs to prevent the insertion in the answer of irrelevant matter.

No further pleadings to be admitted.

XXV. The district moonsifs shall try all suits depending before them, in the order in which they have been filed or numbered; provided however, that the zillah judge be at all times authorized, either upon a report from the moonsif or upon other grounds of information, to direct the moonsif to bring any particular suit or suits to a hearing and determination, without attending to the regular order of the file.

Suits to be tried according to their order on the file.

Proviso.

XXVI. First. In cases in which the answer shall have been filed, and the parties or either of them shall fail to appear in person or by vakeel, at the time when the suit is first called over for trial, the district moonsif shall suspend the trial, and shall affix in some conspicuous place in his cutcherry a

Notice to be affixed in the cutcherry if the parties are absent on the day fixed for the trial.

notice, that the suit will be again called over for trial after the expiration of a fixed period, not being less than ten days. If the plaintiff shall not appear before the district moonsif in person, or by a vakeel duly authorized, within the limited time, the district moonsif shall dismiss his claim; if the defendant shall not so appear by the prescribed time, the district moonsif shall proceed to try the cause exparte.

Mode of proceeding if either party still fail to attend.

Proviso. For cases which may be dismissed without an investigation of the merits.

Second. Provided however, that if the suit be dismissed without an investigation of the merits, and either of the parties shall appeal from the decision of the moonsif, it shall be the duty of the court trying the appeal, to determine the case on its merits, or to remand it back to the moonsif by whom it was dismissed, or to any other competent authority, for a further investigation.

Rules for the trial of suits depending before the moonsifs.

XXVII. The district moonsifs are to try the suits depending before them, by hearing the pleadings of the parties, by examining their documents and by taking the deposition of their witnesses, in the presence of the parties or of their vakeels duly constituted; or if either party agrees in writing, to let the cause be settled by the oath of the other without appeal, the district moonsif shall give his decision according to such oath.

Moonsifs authorized to summon witnesses who may not attend on the requisition of the parties.

XXVIII. First. If the plaintiff or defendant shall be desirous of summoning any witnesses to appear before the moonsif and such witnesses shall not attend at the requisition of the parties, the district moonsif is authorized to summon as witnesses any persons subject to his jurisdiction, excepting women whose rank or cast may be such, as to render

Exception.

it improper to require their appearance in public; when the evidence of such women is necessary, it is to be taken in the mode prescribed in clause fifth, Section XVI, Regulation IV, 1816.

Second. The summons shall specify the number of the suit on the file, the name of the party at whose request it may be issued, and the names and residence of the witnesses; and shall require them to appear at the cutcherry of the district moonsif on a specific day, and there to depose concerning the matter in dispute between the parties.

What the summons shall contain.

Third. The district moonsif shall deliver the summons to the party applying for it or to his authorized vakeel, and such party or vakeel may either serve the summons himself or through any other person whom he may choose to employ for that purpose; provided however, that the name of the person intended to be employed in this duty be, in all cases, notified to the moonsif and endorsed on the summons, previously to its being delivered to the party or his vakeel for execution.

Mode in which the summons shall be served.

XXIX. First. If any person upon whom a summons may have been duly served, shall not attend on the day appointed, the moonsif is authorized to attach any property belonging to such person, which may be found within his own jurisdiction. If after a reasonable time subsequent to such attachment, the person summoned shall still omit or refuse to attend, and it shall satisfactorily appear by the oath of the party requiring his evidence, that the testimony of such person is material to the cause, the moonsif shall report the circumstances of the

The property of witnesses who may not attend on being duly summoned to be attached.

Moonsifs how to proceed if they still do not attend.

Further process to be used by the judge.

case to the zillah judge, who will exercise his discretion in issuing such further process, in order to compel the appearance of the witness before the moonsif, as might be issued under the Regulations if the suit were depending before the judge.

If such process be insufficient, witness to be fined.

How to be levied.

Second. If notwithstanding this further process, the attendance of the witness cannot be obtained, the judge shall, at his discretion, impose on such witness a fine, not exceeding in any case the value of amount of the property in dispute; such fine shall be realized by the moonsif under the provisions made for the execution of decrees by this Regulation.

Refusing witness to be fined by the moonsif.

Third. In cases in which a witness duly summoned may attend before the moonsif, but shall refuse to give his evidence, or to subscribe his deposition, the moonsif shall impose such fine upon him as may appear proper; the district moonsif is, however, strictly prohibited from realizing such fine, if it exceed ten rupees, by his own authority, without first reporting the circumstances of the case to the zillah judge, who will either remit, or modify, or confirm the fine imposed by the moonsif, who will proceed to realize it, if confirmed or modified, as is prescribed in the preceding clause.

Witnesses residing in other jurisdictions how to be summoned.

XXX. First. If any district moonsif shall require the evidence of a person not subject to his jurisdiction but who may reside in the same zillah, and such person shall not attend at the requisition of the parties, the moonsif shall make a written application to the moonsif within whose jurisdiction such person may reside, who will issue the necessary process for procuring his attendance.

Second. If the residence of a witness shall be in another zillah, the moonsif is hereby authorized and required to transmit to the judge of his own zillah, any written interrogatories which he may think necessary, or which may be suggested by the parties or their vakeels in the suit; on receipt of such written interrogatories, the judge will proceed to obtain the evidence of the witness in the mode prescribed in Section VII, Regulation III, 1802.

Cases in which evidence may be taken on written interrogatories.

Third. The moonsifs are enjoined to take the depositions of witnesses attending before them, with all due expedition, so that they may not be exposed to any vexatious delay or unnecessary detention from their respective homes and employments.

Witnesses not to be detained longer than may be necessary.

XXXI. The district moonsifs shall administer to witnesses such oaths as may be considered most binding on their consciences, according to their respective religious persuasions. But if the witness shall be of a rank which, according to the prejudices of the country, would render it improper to compel him to take an oath, the moonsif may dispense with his being sworn, and in lieu thereof, cause him to subscribe a solemn declaration under the rules prescribed in Section VII, Regulation III, 1802.

The evidence of witnesses to be taken on oath;

or on a solemn declaration.

XXXII. The district moonsifs are at all times authorized to cause the examination of a witness to be taken on a solemn declaration, or even without such solemn declaration, whenever the parties in the suit, or their respective vakeels, may agree to such witness being so examined.

The declaration may be dispensed with by the consent of the parties.

XXXIII. First. It shall be necessary to take

Depositions of wit-

nesses to be committed to writing, if the claim exceed twenty rupees.

the depositions of the witnesses in writing only where the claim shall exceed twenty rupees.

Questions irrelevant or suggesting a particular answer to be avoided.

Second. In the examination of witnesses, the moonsifs are enjoined to prevent the parties and their vakeels from putting to them questions suggesting a particular answer, or on points evidently irrelevant to the matter in dispute.

What is to be contained in the deposition of a witness and how it is to be attested.

XXXIV. The deposition of every witness shall commence by specifying the name, the father's name (or if the deponent be a married woman, the name of her husband), the religion, cast, profession, age and place of residence of the deponent, and shall be subscribed by the witness, with his or her name or mark.

Exhibits on suits before moonsifs not liable to fees.

XXXV. First. No fees shall be levied on exhibits filed before the district moonsifs, and exhibits shall be received in suits depending before them without any written application for that purpose. The moonsifs are prohibited from admitting or filing as an exhibit, or from receiving in evidence, any obligation, instrument, bond, deed, or document, whether it be the original or a copy, of a description which is or may be required to be written on stampt paper or stampt cadjan, unless it shall have been duly executed on stampt paper or stampt cadjan, of the description and value prescribed by the Regulations.

No exhibits to be admitted which are not written on the prescribed stampt paper or cadjan.

Copies of Regulations in force regarding stampt paper or cadjans to be furnished to the district moonsifs.

Second. Copies of all Regulations in force regarding stampt paper and stampt cadjans, shall be furnished by the zillah judges to every district moonsif in their respective zillahs, for their guidance.

Third. When an exhibit is filed in a suit before the district moonsif, it shall be dated, and signed or sealed by him, and shall be marked with some letter or number, to identify it, and such letter or number shall be distinctly referred to in those parts of the depositions of the witnesses, or of the proceedings, or of the decree, which may allude to such exhibit.

Exhibits to be dated, signed, marked and referred to in the proceedings.

XXXVI. When the parties have been heard and the exhibits received and considered, and the witnesses on both sides examined, the district moonsifs shall give judgment according to justice and right.

The decision is to be passed after consideration of the pleadings, exhibits and evidence.

XXXVII. The decree shall specify the names of the parties and the names of the witnesses examined, and the titles of the exhibits read; it shall also contain an abstract statement of the material facts alleged in the pleadings of both parties, and the reasons on which the decision may be passed. It shall state specifically the amount or value of the matter adjudged, and the amount of the costs or damages payable by the parties respectively. If any claim shall appear to the district moonsif to be litigious and vexatious, he shall adjudge suitable costs and damages against the plaintiff, and insert the same in the mode above directed in the decree.

What shall be contained in the decree.

Costs and damages to be awarded in suits litigious or vexatious.

XXXVIII. First. When the decision shall have been thus passed, the district moonsif shall cause two copies of it to be prepared, and after attesting them with his seal and signature, shall within one week after the date of the decree, tender the said copies in open cutcherry, both to the plaintiff and defendant, or to their vakeels respectively;

Two copies of the decree to be tendered to the parties; the date of the tender or the cause of the non-delivery to be certified by the moonsif on the back of the copies.

he shall endorse on the said copies the date on which they may be tendered to the parties in open cutcherry, and if either or both of the parties shall fail to attend, or shall refuse to receive the copies so tendered, he shall certify the same on the back of the copies.

Penalty for falsifying the date and purport of the endorsement and for keeping back copies of the decrees from either of the parties.

Second. Any district moonsif who may be guilty of wilfully mistating or falsifying, or of causing to be mistated or falsified, the date and purport of the endorsement above directed to be written on the copies of the decrees, or of keeping back such copies of decrees from either of the parties, with the view of opposing a bar to their right of appeal, shall, on proof thereof to the satisfaction of the provincial court, be liable to dismission from office, and to such discretionary fine to Government as may be deemed proper by that court.

Stampt paper not required in the proceedings in any suit before moonsifs.

XXXIX. The copies of decrees above directed to be tendered to the parties by the district moonsifs, shall not be written on stampt paper, nor are the plaint, answer, or any part of the proceedings of any suit before the district moonsif, required to be written on stampt paper.

Moonsifs may fine parties, vakeels or witnesses for disrespect, and in certain cases commute such fine.

XL. If a party, vakeel, or witness, in any depending suit, shall be guilty of disrespect to the district moonsif in open court, the moonsif is empowered to impose a fine not exceeding one rupee, on the party, vakeel, or witness so offending; and if the offender shall refuse or be unable to pay the fine, to commute such fine, at his discretion, for twenty-four hours confinement in the village choultry.

XLI. First and Second. *Rescinded by Section* II, *Regulation* IX, 1828.

Third. The required monthly and half-yearly reports shall be enclosed in a cover addressed to the zillah judge, and sealed with the seal of the district moonsif; the packet shall be forwarded to the judge either by the public dawk (the officers of which are hereby required to receive and convey such packets free of postage) or by a servant of the moonsif, or the moonsif may deliver it to the nearest police officer, who shall give a receipt for it and convey it to the judge.

Both reports to be in a sealed cover.

The packet how to be forwarded.

XLII. The district moonsif shall have authority to carry his decrees into execution.

The district moonsif empowered to enforce his decrees.

XLIII.* In suits for land of the description specified in clause second, Section XI of this Regulation, the annual produce of which shall not exceed two arcot rupees; in suits for land of the description specified in clause third, Section XI of this Regulation, the annual produce of which shall not exceed twenty arcot rupees; and in suits for real property, not of the description abovementioned, and for sums of money or other personal property, the amount or value of which shall not exceed twenty arcot rupees, the decision of a district moonsif shall be final.

Cases in which the district moonsif's decree shall be final.

XLIV. If the suit shall have been regularly appealed, the execution of the district moonsif's

Mode of proceeding when an appeal may have been admitted.

* *Vide Regulation* V, 1825.

decree shall be suspended or otherwise, according to the orders he may receive from the zillah judge.

Mode of obtaining the execution of a decree passed by the district moonsif.

XLV. Whenever a party who may have obtained a decree in the court of a district moonsif, shall be desirous of having it enforced, he shall present a petition to the moonsif, either in person or through his vakeel; it shall state the number of the suit, the names of the parties, the date of the decision, and the total amount or value of the matter which may have been adjudged to the petitioner, either on account of the original claim or of costs of suit; the petition shall further state, whether an appeal has or has not been admitted from the moonsif's decision.

The cases stated in which the moonsif is to enforce his decrees.

XLVI. In cases not appealable, and in cases appealable but which have not been appealed, if the defendant shall not discharge the sum decreed against him within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or their vakeels, the district moonsif shall, on the petition of the party in whose favor the decree has been passed, cause his decree to be executed; if it be for real property, by causing possession of the property to be delivered to the person to whom it may be decreed; if it be for personal property or a sum of money, by causing the specific thing to be delivered, or the value of it or the sum of money decreed to be levied by the public sale by auction of a sufficient portion or, if requisite for the satisfaction of the decree, the whole of the lands, houses, and all effects either real or personal belonging to the party against whom the judgment may have been given,

Process to be observed.

or by the attachment of his person, or, when it may be necessary, both by the sale of his property and effects and the attachment of his person.

Persons secured in satisfaction of decrees to be sent to the zillah judge.

XLVII. On the attachment of the person of any party in satisfaction of a decree, the district moonsif shall send him within twenty-four hours from the time of such attachment, under proper charge, to the zillah judge, to be confined in the zillah jail; he shall as soon after as possible, send to the zillah judge a statement of the amount levied by the sale of his effects and of the balance still due by him.

Fifteen days notice to be given of sales of property attached in satisfaction of decrees.

XLVIII. First. In cases where a district moonsif shall attach property in satisfaction of a decree, he shall notify the day fixed for the sale by auction of such property, by a written notice to be affixed fifteen days previously to the day of sale at his cutcherry, and at some conspicuous place in the village where the property under attachment may be situated.

Registers of such sales to be kept by the district moonsif.

Second. The district moonsifs shall keep registers of all sales by auction in satisfaction of decrees; the registers shall specify the day of sale, the particulars of property sold, its amount, and the name and residence of the purchaser.

Resistance to such sales liable to be punished as a breach of the peace.

XLIX. Resistance to the sale or transfer of property attached in execution of a decree passed by a district moonsif, shall be considered a breach of the peace, and shall be liable to be punished as such.

The district moonsif

L. The district moonsifs shall be entitled to re-

to receive a fee on sales.

ceive a commission of one anna in each rupee on the proceeds of sales in satisfaction of decrees passed by them, and likewise on the proceeds of all sales which may be made in carrying into execution the decrees of village punchayets under the provisions of clause second, Section XVI, Regulation V, 1816.

Fines how to be realized.

LI. The district moonsifs shall be authorized to realize the amount of fines which may be imposed by them, by the attachment and sale, if necessary, of the property of the offending party.

To be sent monthly to the judge.

LII. The district moonsif, on or before the fifth of each month, shall transmit to the zillah judge all fines which he may have levied or which he may have received from the village moonsifs during the preceding month, accompanied by separate lists, stating the names and situations of the parties from whom such fines have been levied, and the reasons for which the fines were imposed.

Mode of admitting appeals from decisions of district moonsif.

LIII. First: In appealable suits, any person dissatisfied with the decision of a district moonsif, shall be at liberty to appeal from it to the zillah judge, provided the petition of appeal be on the prescribed stampt paper and presented *(part omitted under Section* II, *Regulation* XIII, 1816,) within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their vakeels, in conformity with Section XXXVIII of this Regulation; a discretionary power, however, is vested in the judge, of admitting appeals from decisions of the district moonsifs, although the petitions may not be presented within the

prescribed period, if the appellant shall shew satisfactory cause for not having before presented the petition.

Second. All petitions of appeal from decisions of the district moonsifs, are to be presented to the judge of the zillah in which the moonsifs may officiate, and the moonsifs are prohibited from receiving any petitions of appeal from their own decisions.

Petitions of appeal to be presented to the zillah judge.

Third. All petitions of appeal from decisions of district moonsifs, are to be presented by the appellant in person, or by one of the authorized vakeels of the zillah court, and if the appeal shall be admitted and the appellant and the respondent shall not plead their cause in person, their respective vakeels are to be allowed the same fees as in other suits tried before the judge.

How such petitions are to be presented.

Fourth. Decisions of the district moonsifs are not to be set aside for want of form or for irregularity in their proceedings, but on the merits only.

Decisions of moonsifs not to be set aside for want of form.

Fifth. When an appeal may be received from the decision of a district moonsif, the zillah judge is empowered to suspend the execution of the decree, provided the party appealing against it shall give good and sufficient security within a reasonable period, to be fixed by the judge, to perform the decree of the court.

In what cases the judge may suspend the execution of the decrees by moonsifs from which an appeal may be admitted.

Sixth. The decisions of zillah judges on appeals from decrees passed by district moonsifs, shall be final.

His decision thereon final.

LIV. The zillah judges may for any reason that

Suits depending

before moonsifs may be tried by the judge or referred for trial to other tribunals.

may appear to them sufficient, bring up for trial before them, or their registers, or the sudder ameens, any causes that may be depending before the district moonsifs.

When a vacancy may occur in the office of moonsif, the judge to nominate a successor.

LV. Upon the death, removal or resignation of any district moonsif, the zillah judge shall, if necessary, immediately nominate another person in his room, for the approbation of the provincial court, and shall cause all papers in the causes depending before the late moonsif, to be delivered over to his successor, or otherwise to be disposed of, as circumstances may require.

Zillah judges may refer suits of an amount stated for decision to the district moonsif.

LVI. First. The zillah judges may refer any plaint received by them for trial and decision to any district moonsif within their respective zillahs, whether for real or personal property of the value or amount specified in Section XI* of this Regulation.

Rules to be observed in the trial.

Second. In the trial of such suits, the district moonsifs shall be guided by the rules prescribed in this Regulation for their conduct in original suits cognizable by them as district moonsifs.

District moonsif may hear and determine all suits referred by both parties.
To what amount.

LVII. First. The district moonsif is authorized to hear and determine as arbitrator, all suits which may be voluntarily referred to him by both parties, whether for real or personal property, of the value or amount specified in Section XI* of this Regulation.

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* *Jurisdiction extended by Section* IV, *Regulation* II, 1821.

Institution fee to be levied in such suits.

Second. In suits referred to district moonsifs under the preceding clause, an institution fee of one* anna per rupee on the amount or value of the property in dispute, shall be levied from the plaintiff, and the district moonsif is prohibited from receiving the suit until the fee has been paid.

Bond to be taken from the parties.

Third. The district moonsif, in cases referred to him under the preceding clauses, shall take from the parties a bond, agreeing to abide by his decision; such bond shall be executed in his presence and be attested by two credible witnesses.

District moonsif by what rules to be guided in hearing and determining the suits above specified.

Fourth. The district moonsif in hearing and determining the suits above specified, shall be guided by the same rules as have been prescribed for his conduct in trying suits preferred to him under Section XI of this Regulation, so far as those rules may be found applicable.

No appeals open from decisions on such suits except in cases of partiality or corruption.

LVIII. No appeal shall be permitted from decisions passed by district moonsifs under the preceding section, but if a district moonsif shall be guilty of corruption or gross partiality, it shall be at the option of either party to bring the matter by petition on the prescribed stampt paper, under the notice of the judge of the zillah, who, provided the petition be presented within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their respective vakeels, and provided the partiality or corruption charged against the moonsif be established to his satisfaction by the oaths of

* *One half an anna, vide Clause second, Section* III, *Regulation* II, 1828.

Decree to be annulled on proof of corruption or partiality.

two credible witnesses, shall annul the decree, and the parties shall be at liberty to have recourse to another moonsif or to any competent jurisdiction.

LIX. *Rescinded by Clause first, Section III, Regulation* II, 1828.

Moonsifs may be employed in giving possession of real property under decrees.

LX. First. The zillah judges are authorized to employ the district moonsifs in delivering over formal possession of lands, houses, or other real property, in conformity with decrees regular or summary.

How to be remunerated in such cases.

Second. Previously to issuing any instructions to a district moonsif for the performance of any of the duties described in this Section, the judges shall require either the plaintiff or the defendant, according to the circumstances of the case, to pay into court such a sum of money as may be an adequate remuneration to the district moonsif for his trouble, provided such sum do not exceed the probable expense which would be incurred if an ameen or a native officer of the court were employed in the execution of the same duty.

Such remuneration to be forfeited if guilty of misconduct in such duty.

Third. The district moonsif shall be entitled to receive such sum as may have been paid into court under the preceding clause, except under circumstances in which he may appear to have performed the duty entrusted to him in a negligent, unjust or improper manner; in such cases the said sum of money shall be returned to the party who deposited it in court.

Moonsifs may be

LXI. The district moonsifs may be employed at

the discretion of the zillah judges, in the attachment and sale of personal or real property for the purpose of realizing the amount of fines imposed by the judge, register, or sudder ameens, or of decrees regular or summary, passed by the zillah judge, register, sudder ameens, or village and district punchayets; and shall be entitled to receive a commission of one anna in each rupee on the proceeds of such sales.

employed to sell personal or real property and to receive a commission on such sales.

LXII. First. In all cases of inheritance of or succession to landed property, the mahomedan laws with respect to Mahomedans and the hindoo laws with regard to Hindoos, are to regulate the decisions of the district moonsifs, and the district moonsifs in all such cases are to obtain an exposition of the law from the law officers of the zillah court, to *whom** they are to transmit a written abstract of the case for the purpose; such exposition however, is not to preclude a further reference to the law officers of the zillah courts upon such points of law as may arise upon the cause, in the event of its being tried in appeal.

By what laws the decisions of moonsifs are to be regulated.

Exposition of the law how to be obtained.

Second. In all suits relative to the inheritance of or succession to landed property, the district moonsifs are to affix in some conspicuous part of their cutcherries a written notification of the claim preferred, with a requisition to all persons who may have any claim to the property sued for, to prefer the same within a limited period, and their decisions are to include all claimants to the property in question, who according to the law of the parties, whe-

Notification to be issued in suits relative to the inheritance of or succession to landed property;

and all claimants to be included in the decision.

* *Vide Section* IV, *Regulation* II, 1828.

ther Musselmans or Hindoos, have a just and title to share therein.

APPENDIX—*Omitted.*

A. D. 1816. REGULATION VII.*

A REGULATION, for authorizing district moonsifs to assemble district punchayets for the adjudication of civil suits for real and personal property, without limitation as to amount or value, within their respective jurisdictions; and for defining the powers and authority to be vested in such district punchayets.—Passed by the Right Honorable the Governor in Council of Fort St. George, on the 17th May 1816.

Preamble.

IT being desirable, with a view to diminish the expense of litigation and to render the principal and more intelligent inhabitants useful and respectable by employing them in administering justice to their neighbours, that civil suits between the native inhabitants of the territories subject to the Presidency of Fort St. George, should be referred for adjudication to assemblies denominated punchayets, and that for the purpose of facilitating such reference, the district moonsifs should be authorized to summon a punchayet on the application of both

* *Vide Section* XIV, *Regulation* XV, 1816; *and Clause second, Section* XV, *Regulation* V, 1822.

parties in a suit, and to refer such suit to be heard, tried and determined by such punchayet; and it being deemed expedient to protect members of district punchayets from being called to account for their conduct in the performance of these duties, except on charges of corruption: The Governor in Council has enacted the following rules.

II. First. District moonsifs are hereby declared to be authorized to summon punchayets within their respective jurisdictions, for the decision of suits for real and personal property, without limitation as to amount or value, in the two following cases.

District moonsifs authorized to summon punchayets within their respective jurisdictions for the decision of suits for real and personal property of any amount or value.

Second. In suits where both plaintiff and defendant may jointly agree that the matter at issue shall be determined by a district punchayet without appeal, and may prefer a request in writing to the district moonsif to summon a punchayet, whether he be the moonsif of the district in which the parties reside, or of any other district; or where one party having preferred a request in writing to the district moonsif to summon a punchayet, the other party being an inhabitant of the same district on being summoned by the district moonsif shall attend and voluntarily give his assent in writing to the district moonsif, agreeing to that mode of trial.

Proviso.

Third. Provided however, that in the cases specified in the preceding clause of this Section, the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof, either that he had demanded the money or matter in question

No such suits to be entertained when the cause of action shall have arisen twelve years before the commencement of the suit.

and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim within the period abovementioned to a competent authority, and in such case, that he assign satisfactory reasons to the punchayet why he did not proceed in the suit, or prove that from minority or other good and sufficient cause he was precluded from obtaining redress.

Exception to the rule.

Punchayet to consist of an odd number; majority to decide.

Where to sit.

III. First. The district punchayet shall always consist of an odd number, never less than five, nor more than eleven, and the majority shall decide; the district punchayet shall sit at the station where the district moonsif's court is held.

Of whom to be composed.

Refusing inhabitant liable to fine.

How to be levied.

Second. The district punchayet shall be composed of the most respectable inhabitants of the district, who shall be called upon to serve in rotation, and any native inhabitant refusing to serve on a district punchayet shall be liable to be fined at the discretion of the district moonsif in a sum not exceeding ten arcot rupees, which shall be levied if necessary by the district moonsif under the provisions of Section LI, Regulation VI, 1816.

Inhabitant of a neighbouring district may be placed on a punchayet.

Third. Any respectable inhabitant of a neighbouring district may be placed on a district punchayet, if he be willing to undertake the duty.

When the parties are of different casts, how the punchayet is to be formed.

Fourth. When the parties in suits are of different casts or professions, the district moonsif shall in all practicable cases, name an equal number of persons of the cast or profession to which each party may belong, to compose a part of the district punchayet, and shall complete the punchayet by the

selection of a person or persons belonging to a cast or profession different from that of both the parties.

Fifth. If either party shall object to any one or more of the members nominated to compose the district punchayet, and the district moonsif shall consider such objections to be well grounded, he shall withdraw the members objected to and appoint others to serve in their stead.

Challenged members to be withdrawn.

Sixth. When the parties may desire it, they shall each name two members, and the district moonsif shall name another person who may be unobjected to by the parties, to form the punchayet; but on all other occasions, the whole shall be nominated by the district moonsif: the practice of the parties naming two members each, shall never be allowed when it can be avoided.

When the parties consent, each to name two members and the moonsif one; in other cases the moonsif is to name the whole punchayet. Parties naming two each to be avoided, if possible.

IV. First. The district punchayet being formed as prescribed in the foregoing Section, shall be assembled by the written summons of the district moonsif, and shall proceed to investigate the matter referred to them in conformity to the following rules.

How the punchayet is to proceed.

Second. The district punchayet shall commence their proceedings by requiring from the parties an agreement in writing to abide by the decision of such punchayet, whose names shall be inserted in the agreement, which shall be witnessed by the district moonsif and any two respectable inhabitants, and dated on the same day.

An agreement to be taken from the parties to abide by the decision of the punchayet.

Third. Vakeels for plaintiffs and defendants shall

Vakeels to be relar-

tives, servants, or dependants, of the parties employing them.

To be furnished with vakalutnamahs.

be admitted to plead before district punchayets, provided that every person so appearing as a vakeel be a relative, servant, or dependant of the person by whom he may be employed, and provided he be furnished with a vakalutnamah describing his relation to his employer and the matter in which he is empowered to act; and such vakalutnamah shall be exhibited by the vakeel, before he be permitted to do any act in the suit.

Plaint to be received in presence of the parties or their vakeels.

What it is to contain.

Fourth. The parties being present in person or by vakeel, the district punchayet shall receive the written plaint of the complainant, which shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the value or amount of real or personal property claimed, and all material circumstances which may elucidate the transaction.

Plaint to be read to the defendant.

Answer to be required.

Fifth. The plaint shall be read to the defendant or his vakeel, and the defendant or his vakeel shall be required by the punchayet to give in his answer, either immediately, if he shall be prepared to deliver it, or on a day to be fixed, which shall not be later than one week from the reading of the plaint.

Answer to state every thing regarding the case; no further pleadings to be admitted.

Sixth. The defendant shall state in his answer all that he has to say regarding the case, and no further pleadings shall be admitted.

Exhibits and lists of witnesses to be then received and a day to be fixed for the trial.

Seventh. The district punchayet, after the answer has been given in, shall receive from the plaintiff and defendant their exhibits and lists of their witnesses, and shall fix an early day for the trial, with

reference to the convenience of the parties and witnesses respectively.

Eighth. The district punchayet shall immediately communicate the lists of witnesses and the day fixed for the trial to the district moonsif, who shall require the witnesses to be in attendance on that day.

Lists of witnesses and the day fixed for trial to be communicated to the district moonsif. How he is to proceed.

Ninth. The parties and witnesses being in attendance on the prescribed day, the district punchayet shall proceed to take the depositions of the witnesses in the manner usual in the cast to which they may respectively belong, on separate papers or cadjan leaves in all cases in which the matter at issue may exceed the value or amount of one hundred arcot rupees; the deposition shall be read over to the witness, who shall then subscribe the deposition with his or her name or mark.

How the depositions of witnesses are to be taken.

In what cases to be committed to writing.

Tenth. In cases in which the matter at issue may be of smaller amount or value than one hundred arcot rupees, it shall be discretionary with the district punchayet to take the depositions of the witnesses in writing or not.

In other cases the punchayet to use its discretion.

Eleventh. The district punchayets are authorized to cause an oath to be administered to witnesses in cases where they may deem it necessary.

The punchayet authorized to cause an oath to be administered to witnesses when necessary.

Twelfth. The district punchayets shall not put a question to any witness suggesting a particular answer, and shall previous to the examination of a witness inform him that they have authority to cause an oath to be administered to him when they

Questions suggesting a particular answer not to be put.

Oaths to be adminis-

tered to witnesses at the discretion of the punchayet.

may think he is not giving his evidence correctly, which authority the district punchayets shall exercise at their discretion.

Trial to be suspended on the non-appearance of the parties or either of them.
To be reported to the district moonsif.
Notice to be fixed; what containing.

Thirteenth. If the parties or either of them shall fail to appear in person or by vakeel at the time fixed for the trial, the district punchayet shall suspend the trial and report it to the district moonsif, who shall cause to be affixed in some conspicuous place of the village wherein the defaulting party may reside, a notice, specifying that the suit will be tried on a given day, which shall not be less than five days from the date of the notice.

Suit to be dismissed on the non-appearance of the plaintiff.

Fourteenth. If the plaintiff shall not appear at the time fixed in the notice, the district punchayet shall dismiss his suit and award him to pay all the expenses which may have been incurred by the defendant and by the witnesses of both parties in their attendance on the punchayet, and the sum so awarded shall be recovered from the property of the defaulting plaintiff in the mode prescribed in Section XLVI, Regulation VI, 1816, unless he shall immediately pay the amount.

Cause to be tried exparte on the defendant's refusal to answer the plaint, or non-appearance.

Fifteenth. If the defendant shall refuse to answer the plaint or shall not attend at the time fixed in the notice, the district punchayet shall proceed to give judgment on the plaintiff's vouchers and the evidence of his witnesses.

What circumstances to be reported to the district moonsif.

V. In cases where a witness shall neglect to attend, or attending shall refuse to give his testimony, or shall be otherwise guilty of disrespect to the district punchayet, as also when the evidence

of a person is required who resides beyond the jurisdiction of the district moonsif, as also in the cases of persons whose testimony may be required, but whose rank or cast may render it improper to require their attendance, as also when the parties or their vakeels may be guilty of disrespect to the district punchayet, the punchayet shall report the circumstances to the district moonsif, who is hereby authorized and directed on receiving such reports, to take the same measures for procuring the attendance or testimony of the witnesses, or for punishing the contempts, as he would have taken under Sections XXVIII, XXIX, XXX and XL, Regulation VI, 1816, if the circumstances represented had occurred before himself.

How he is to proceed.

VI. When both parties have been heard and the whole of the evidence has been gone through, the district punchayet shall order the parties and witnesses to withdraw, and shall write their decree according to justice and right.

When the decree is to be written.

VII. The decree of the district punchayet shall contain the names of the parties and the names of the witnesses examined, and the titles of the exhibits read; it shall also contain an abstract statement of the principal grounds and reasons on which the decision may be passed, it shall specify the value or amount of the personal property and the value or the annual produce of the real property adjudged; the decree shall bear the signature or mark of the members of the punchayet and shall be dated on the day on which it is passed. If any claim shall appear to the district punchayet to be evidently litigious and vexatious, they shall adjudge suitable costs and

What the decree is to contain.

damages against the plaintiff, payable to the defendant, and insert the same in their decree.

Copy of the decree to be delivered to each party.

VIII. Two copies of the decree shall be prepared by the district punchayet and shall be put under a sealed cover and delivered to the district moonsif, who shall require the parties together with the punchayet to assemble immediately, or at a convenient day not being later than three days from his receipt of the decree; the district moonsif shall open the seal in presence of the parties and shall endorse on each copy of the decree, the date of the delivery thereof, which shall be attested by his signature and the signatures of any two members of the punchayet; the district moonsif shall then cause the punchayet to deliver to each party in his presence, a copy of the decree; but no communication shall be made to the district moonsif or to either party, of the nature of the decree, previously to its delivery.

Date of the delivery to be endorsed by the moonsif. How to be attested.

Previous to the delivery no communication of the nature of the decree to be made.

Non-appearance or refusal to receive a copy to be endorsed on it;

IX. If either the plaintiff or defendant shall fail to appear in person or by vakeel to receive a copy of the decree, or having attended shall refuse to receive a copy, the district moonsif shall endorse on the copy intended for such party, such omission or refusal, and noting the date, shall attest the same with his signature, which shall be witnessed by any two members of the punchayet; the copy so endorsed shall be deposited with the district moonsif, to be delivered to the party afterwards claiming it.

and copy so endorsed to be deposited with the district moonsif.

Proceedings of the punchayet to be written by one or

X. The proceedings of the district punchayet shall be written by one or more of the members, and

no stamp paper need be used in the plaint, answer, or any process.

more of the members.

Stamp paper not necessary.

XI. First. No appeal shall be permitted from decisions passed by district punchayets under this Regulation; but if the district punchayet shall be guilty of gross partiality, it shall be at the option of either party to bring the matter by petition, upon stampt paper of the prescribed rate according to the amount of the suit, before the judge of the zillah.

No appeal allowed from the decrees of punchayets.

In cases of partiality how the party is to proceed.

Second. The petition shall not be received, unless it be presented with the decree complained of, within thirty days after the date on which copies of the decree may have been furnished or tendered to the parties or to their vakeels.

Petition only to be received, if presented within the period limited.

Third. If the petition be received, the judge shall order the execution of the decree to be stayed pending the enquiry.

When received, execution of the decree to be stayed.

Fourth. If the partiality charged against the punchayet shall be established to the satisfaction of the judge by the oaths of two credible witnesses at the least, he shall in every case, whatever the amount or value of the suit may be, submit his proceedings, with his opinion on the case, to the provincial court of appeal, who, provided the charge be proved by such proceedings to their satisfaction, shall annul the decision, and the parties shall be at liberty to have recourse to another punchayet or to any other competent jurisdiction.

Decree to be annulled by the provincial court on proof of partiality to their satisfaction.

Fifth. Provided however, that where the decision of a second punchayet shall agree with the decision

Decision of a second punchayet agreeing with that of a for-

mer punchayet in the same suit, to be final.

of a former punchayet in the same suit, it shall be final.

Petitions to the judge.
By whom to be presented.
Fee payable to the vakeel presenting them.

Sixth. Petitions to the judge of the zillah under this Section, shall be presented by the parties in person or by an authorized vakeel of the court, to whom a fee of four annas of a rupee shall be allowed and no more, and the parties shall not be subjected to any other charge whatever.

District moonsif not to receive or refer to punchayets any suits for damages.

Exception.

XII. The district moonsifs shall not receive or refer to a punchayet for trial, any suit for damages on account of personal injuries, or for personal damages of whatever nature, without an order of reference to him from the zillah judge.

Rate of interest to be allowed.

XIII. District punchayets shall not allow in their decrees a larger rate of interest than district moonsifs are authorized to allow under Section XV, Regulation VI, 1816.

By what rules to be guided in cases of inheritance of or succession to landed property.

XIV. In all cases of inheritance of or succession to landed property, district punchayets shall be guided by the rules prescribed in Section LXII, Regulation VI, 1816.

As also with respect to the admission of obligations, deeds and documents.

XV. In respect to the admission of obligations, deeds and documents, the district punchayets shall be guided by the rules prescribed in Section XXXV, Regulation VI, 1816.

District moonsifs to carry into execution the decrees of district punchayets:

XVI. First. Decrees of district punchayets in cases referred to them under this Regulation, shall be carried into execution by the district moonsif under the rules prescribed in Sections XLVI,

XLVII, XLVIII, XLIX and L, Regulation VI, 1816: provided first, that if the suit be for land of the description specified in clause second, Section XI, Regulation VI, 1816, the annual produce of such land shall not exceed the sum of twenty arcot rupees; secondly, that if the suit be for land of the description specified in clause third, Section XI, Regulation VI, 1816, the annual produce of such land shall not exceed two hundred arcot rupees; and thirdly, that if the suit be for real property, not of the description abovementioned, or for sums of money or other personal property, the value or amount of such property shall not exceed two hundred arcot rupees.

Proviso.

Second.* In all other cases the decisions of district punchayets shall be carried into execution by the zillah judge, in the mode prescribed by the Regulations.

In all other cases the decrees of district punchayets to be carried into execution by the zillah judge.

XVII. Petitions to the judge of the zillah praying execution of the decisions of district punchayets, shall be written upon stampt paper of the prescribed rate, according to the amount decreed, and shall be presented by the parties in person or by an authorized vakeel of the court, to whom a fee of four annas of a rupee shall be allowed and no more, and such application shall not be subjected to any other charge whatever.

Petitions to the judge praying execution of the decrees of district punchayets to be written on stampt paper.

Fee to the vakeel presenting the petition.

XVIII. First. Any member or members of district punchayets, shall be liable to prosecution in the zillah court for corruption in the discharge of their

Members of punchayets liable to prosecution for corruption.

* *Vide Clause second, Section* XIV, *Regulation* XV, 1816.

trust, by either party in a suit, which may have been referred to such punchayet, and upon proof of the charge to the satisfaction of the zillah judge, he shall adjudge the offender or offenders, to pay the prosecutor three times the amount or value of the money or property corruptly received, with all costs of suit; but members of district punchayets shall not be liable to be prosecuted for want of form, or for error in their proceedings or judgment; nor shall any process whatever be issued against a member or members of a district punchayet, unless the judge shall be previously satisfied by sufficient evidence, that there is probable cause to believe that the charge is well founded, and unless the charge shall be preferred within three months from the date of the act of corruption complained of.

Punishment on conviction.

Not liable to prosecution for errors or for want of form.

Proviso under which process is to be issued on a charge of corruption.

Second. The zillah judge shall further fine the party by whom, or for whom, the corruption may have been practised in the suit, provided he shall have assented to such corruption, in a sum equal to the value of the thing or sum of money which any member or members of such district punchayet may be proved to have so corruptly received.

The party by whom or for whom the corruption is practised, to be fined.

Third. If the corruption charged against any member or members of such district punchayet, shall not be proved to the satisfaction of the zillah judge, he shall award full costs and such damages, to the member or members complained against, as may appear to him to be equitable, and he shall levy a fine from the party making such groundless charge, not exceeding the value of the thing or sum of money charged to have been corruptly received.

If the corruption be not proved, the accused to have damages and costs awarded to him, and the party making the groundless charge to be fined.

XIX. First. In suits preferred to district moonsifs for reference to district punchayets under the provisions of this Regulation, district moonsifs are hereby authorized and directed to levy from the plaintiff an institution fee according to the following rates, viz.

Rates of institution fee to be levied in certain suits.

1. On amount or value not exceeding one hundred arcot rupees, one rupee.

2. On amount or value above one hundred, but not exceeding two hundred arcot rupees, two rupees.

3. On amount or value above two hundred, but not exceeding three hundred arcot rupees, three rupees; and so on progressively, whatever the amount or value may be.

Second. In suits for land of the description specified in clause second, Section XI, Regulation VI, 1816, the institution fee shall be calculated on ten times the computed annual produce.

Third. In suits for land of the description specified in clause third, Section XI, Regulation VI, 1816, the institution fee shall be calculated on the estimated annual produce of such land.

Fourth. The amount of the fees directed to be levied under the preceding clauses, shall be considered as forming a part of the costs, to be paid by the party against whom the decree may be given.

The amount of fees so directed to be levied to form part of the costs payable by the party cast.

XX. First. Every witness attending to give evidence before a district punchayet shall be entitled

Witnesses entitled to receive batta.

In what period to be received.

Rate to be determined by the district moonsif.

to receive batta at a rate not less than one, nor more than four annas of a rupee per diem, from the date of his departure from his village to the day of his return; the rate of such batta to be determined by the district moonsif with reference to his situation in life.

Batta to witnesses to be paid daily. By whom.

Second. The batta to witnesses shall be paid daily under the orders of the district moonsif, by the party on whose behalf they may respectively be summoned.

The batta to witnesses to be paid by the party cast.

Third. The district moonsif shall levy from the party cast, and pay to the party in whose favour the decree may be given, the amount of batta which under this Section he may have paid to the witnesses summoned on his behalf.

The amount of batta and institution fee to be specified on the back of the decree by the moonsif.

Fourth. The amount of the batta to witnesses, together with the amount of the fee paid on the institution of the suit, shall be specified by the district moonsif on the back of the decree.

XXI. *Rescinded by Section* II, *Regulation* IX, 1828.

Institution fees to be transmitted to the judge. How to be appropriated.

XXII. The fees to be levied under Section XIX of this Regulation, shall be transmitted to the zillah judge, to be appropriated as a compensation to the district moonsifs, under the restrictions specified in Section LIX, Regulation VI, 1816.

APPENDIX—*Omitted.*

A. D. 1816. REGULATION VIII.

A REGULATION, for the appointment of the Hindoo law officers of the provincial courts to be sudder ameens, or head native commissioners, for the trial of causes referred to them by the judges of the zillahs in which those courts are stationed; for confining the office of sudder ameen to the Hindoo law officers of the provincial courts and the Mahomedan and Hindoo law officers of the zillah courts; and for modifying and extending the power of sudder ameens in the trial and decision of civil suits.—Passed by the Right Honorable the Governor in Council of Fort St. George, on the 17th of May 1816.

Preamble.

THE rules which have been enacted regarding the office of sudder ameen, or head native commissioner, for the trial and decision of causes of a certain amount or value, appearing in some instances to require revision, and it being expedient with the view of promoting the speedy trial and decision of civil suits, to appoint the Hindoo law officers of the provincial courts to be sudder ameens in the zillahs wherein those courts are stationed, and to extend the jurisdiction of sudder ameens for the trial of referred causes to the amount or value of three hundred arcot rupees; and it being deemed conducive to the respectability of the office of sudder ameen, to restrict the appointment to that office to the Hindoo

law officers of the provincial courts, and the Mahomedan and Hindoo law officers of the zillah courts. The Governor in Council has enacted the following rules, to be in force throughout the territories subject to the presidency of Fort St. George.

Regulations rescinded.

II. Sections IX, X, XI, XII, and Clauses first and second, Section XIII, Regulation VII of 1809, and Regulation X of 1809, are hereby rescinded.

Hindoo law officers of provincial courts and Hindoo and Mahomedan law officers of zillah courts to be sudder ameens ex officio.

III.* The Hindoo law officers of the provincial courts and the Hindoo and Mahomedan law officers of the zillah courts shall, by virtue of their offices, be sudder ameens of the zillahs in which those courts respectively may be stationed.

Sunnuds granted to sudder ameens to be recalled and cancelled.

IV. The commissions or sunnuds of appointment, which may have been granted to persons holding the office of sudder ameen, shall be recalled and cancelled.

Oath to be taken by sudder ameens.

V. Every sudder ameen shall previously to entering upon the execution of the duties of his situation, take and subscribe an oath, according to the form prescribed in No. 1 of the appendix to this Regulation, before the judge of the provincial or zillah court to which he may belong; but the court is empowered in all cases in which it may deem it expedient, to exempt such sudder ameen from taking the oath, and in lieu thereof to cause him to subscribe a solemn declaration to the same effect.

In certain cases oaths may be dispensed with, and

A solemn declaration to be subscribed.

Cutcherries of the

VI. The sudder ameens are to hold their cut-

* *Vide Section* III, *Regulation* XI, 1827.

cherries at the station where the zillah or provincial court is held, in a room belonging to the court house, or in such convenient place as the zillah or provincial court may direct.

sudder ameens where to be held.

VII.* The judges of zillahs are authorized to refer to the sudder ameens any original suits for land exempt from the payment of rent in money or in kind, either to Government or to any individual representing Government and receiving its dues, the annual produce of which land shall not exceed thirty arcot rupees; and for land subject to the payment of rent in money or in kind, either to Government or to any individual representing Government and receiving its dues, the annual produce of which land shall not exceed three hundred arcot rupees; or for other real property not of the description above specified, or for sums of money or other personal property, the value or amount of which shall not exceed three hundred arcot rupees.

What original suits may be referred to sudder ameens.

VIII. In referring suits for trial to the sudder ameens, the judge shall generally refer such cases as are likely to involve questions of hindoo law to the hindoo law officers, and of mahomedan law to the mahomedan law officers.

What suits to be referred to the hindoo and what to the mahomedan law officers.

IX. The sudder ameens are themselves to investigate the suits referred to them in a public cutcherry or court room, and are not to allow their officers, servants or dependants, or any other person to interfere therein.

Sudder ameens to investigate suits themselves and not to allow any other person to interfere therein.

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* *Jurisdiction extended by Section* III, *Regulation* II, 1821.

Causes before sudder ameens how to be pleaded.

X. All causes referred to the sudder ameens, shall be pleaded either by the parties in person, or by an authorized vakeel of the provincial or zillah court to which the sudder ameens may respectively belong. The provincial and zillah courts will assign to the court of each sudder ameen, such a numbe of the authorized vakeels as may appear necessary. The whole of the Regulations in force regarding the authorized vakeels of the provincial and zillah courts, shall be applicable to the authorized vakeels employed in the courts of the sudder ameens.

Judges to assign vakeels.

What regulations are applicable to the vakeels employed in the sudder ameen's court.

What other suits may be referred to sudder ameens.

XI. In addition to the original suits specified in Section VII of this Regulation, the zillah judges are empowered to refer to the sudder ameens any depending appeals from the decisions of moonsiffs appointed under the provisions of Regulation XVI of 1802, and of Regulation VII of 1809, and any appeals which may be made from the decisions of the district moonsiffs appointed under the provisions of Regulation VI of 1816, which the judges themselves may be unable to determine with sufficient dispatch.

XII. *Rescinded by Section* II, *Regulation* IX, 1828.

Provisions of Section VIII, Regulation VI, 1816, applicable to the office of sudder ameen.

XIII. The provisions of Section VIII, Regulation VI, 1816, are hereby declared to be applicable to the office of sudder ameen.

What rules to be observed by sudder ameens.

XIV. The sudder ameens in trying the causes which may be referred to them by the zillah judge, are to be guided by the same rules as are prescribed for the trial of suits before the judge; provided how-

Proviso.

over, that the decisions passed by sudder ameens shall be carried into execution by the zillah court, and that every notice, summons, attachment, or other process relative to any cause depending before a sudder ameen, shall be issued *under the seal of the zillah court, and under the official signature of the judge or register, and shall be executed through the regular officers of the zillah courts; provided further, that nothing in this Regulation shall be construed to empower the sudder ameens to realize by their own authority any fines which they may impose; in such instances they shall report the circumstances of each case to the zillah judge, who will either remit, or modify, or confirm the fine imposed by the sudder ameen, and will proceed to realize the same under the same rules as are prescribed for the execution of decrees.

Sudder ameens decrees to be executed by the zillah courts.

How process is to be issued.

Sudder ameens not to realize the fines imposed by themselves.

Report to be made to the judge.

How he is to proceed.

XV. The decisions of sudder ameens on the appeals referred to them under Section XI of this Regulation, shall be final; but from their decisions in original suits referred under the provisions of Section VII of this Regulation, there shall be an appeal to the zillah judge under the rules prescribed for appeals from the decisions of the registers.

What decisions of sudder ameens to be final.

From what decisions appeals are open.

XVI. When original suits or appeals referred to sudder ameens, may be decided by them on an investigation of the merits of the case, or may be adjusted by razeenamahs of the parties, the sudder ameens shall be entitled to receive the amount of the †fees paid on the institution of such original suits and appeals.

Sudder ameens in what cases to be entitled to the institution fee.

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* *Modified in certain cases by Section* III, *Regulation* II, 1822.

† *Vide Section* XV, *Regulation* XIII, 1816.

APPENDIX—*Omitted.*

A. D. 1816. REGULATION IX

A REGULATION, for reducing into one Regulation certain rules which have been passed regarding the office of the zillah magistrate, for modifying and defining his powers, and for transferring the office of zillah magistrate from the judge to the collector of the zillah.—Passed by the Right Honorable the Governor in Council of Fort St. George, on the 13th of September 1816.

Preamble.

WHEREAS the rules which have been enacted for the guidance of the zillah magistrates have appeared in some instances to require revision ; and whereas it will contribute to the public convenience to reduce into one Regulation the rules in certain Regulations applicable to the office of zillah magistrate ; and whereas it appears expedient, in order to prevent the collision of authorities in the districts and to facilitate the administration of civil and criminal justice, to transfer the office of magistrate from the judge to the collector of the zillah : the following rules have been enacted.

Regulations rescinded.

II. Regulation VI, 1802 ; Sections XVII and XVIII, Regulation XII, 1802 ; Sections XII and XIV, Regulation I, 1808 ; Regulation XIII, 1809 ;

* *Vide Section* V, *Regulation* II, 1827, *as to Joint Magistrates.*

Sections II, III, IV, V and VIII, Regulation I, 1810; Regulation IV, 1811; and Sections IX, X, XI and XII, Regulation VI, 1811, are hereby rescinded.

Collectors of the several zillahs to be magistrates in their respective zillahs.

III. The collectors of the several zillahs shall hold the office of magistrate of their respective zillahs; previous to entering upon the execution of the duties of the office, they shall take and subscribe an oath according to the form prescribed in No. 1 of the appendix to this Regulation, before the Governor in Council, or any person whom he may commission to administer it.

Assistants to the collectors to be assistants to the magistrates.

IV. The assistants to the collectors of zillahs shall be assistants to the magistrates of the zillahs.

Assistants may in certain cases be employed judicially.

V. The zillah magistrates are authorized to employ their assistants in the execution of such part of their prescribed duties as, from the extent of their general business or other cause, they may be unable to give due attention to themselves; provided, that previous to any such assistant entering upon the exercise of judicial authority, he shall take and subscribe before the magistrate an oath according to the form prescribed in No. 2 of the appendix to this Regulation.

Proviso.

Assistants having taken the prescribed oath may in certain cases act judicially.

VI. The assistants to the zillah magistates who may have taken and subscribed the oath prescribed by this Regulation, are authorized to exercise the judicial power vested in the magistrates by this Regulation, as far as may be necessary to enable them to perform the duties committed to them respectively, by the magistrates with whom they are stationed.

The magistrate's official seal to remain in his custody.

VII. The magistrate shall use a circular seal, one inch and three quarters in diameter, bearing the following inscription, in the Persian character and language, and also in the character and language of the district.

"The seal of the magistrate of the zillah of——

The seal of each magistrate is to remain in the custody of the magistrate.

Special jurisdiction of the magistrates of the several zillahs.

Exception.

VIII. The special jurisdiction of the magistrates of the several zillahs is to extend throughout the districts included in the zillahs in which they are respectively stationed: Provided however, that the magistrates be not considered to have any jurisdiction or authority whatever in the town of Madraspatnam, or any places adjacent within the limits of the jurisdiction of the supreme court of judicature at Madras.

Magistrate to apprehend all persons charged with crimes or misdemeanors.

IX. It shall be the duty of the magistrate to apprehend murderers, robbers, thieves, house-breakers, and disturbers of the peace, and persons charged before him with crimes or misdemeanors.

Crimes which are not bailable.

How a magistrate is to proceed if the charge be for manslaughter or illegal homicide not amounting to murder.

X. First. Persons accused of treason, murder, robbery, setting fire to any house or village, house-breaking, theft, or counterfeiting of the coin, provided there shall appear sufficient grounds for believing the charge, shall not be admitted to bail; but if the charge be for manslaughter, or any species of illegal homicide not involving the crime of murder, the magistrate is authorized to proceed in the first instance, either by warrant for taking into custody or by summons requiring bail, as he may judge pro-

per, on consideration of the circumstances of the case, and of the condition and character of the party accused.

Principle of the foregoing Section applicable to persons privy to or incidentally accessary to heinous crimes.

Second. The principle of the latter part of the preceding clause, is also declared applicable to persons appearing from the magistrate's enquiry to have been only privy or incidentally accessary to crimes of a heinous nature, without being concerned therein either as principal, or as aiding and abetting, procuring or instigating the perpetration thereof.

Points to be attended to by the magistrates in their enquiries into charges preferred to them.

XI. The magistrates upon receiving any charge for any heinous crime, or misdemeanor, are to be careful to ascertain from the complainant, and to record upon their proceedings, on what day of the month, in what year, and at what time of the day or night, the act complained of was committed.

How a magistrate is to proceed on a complaint being preferred to him for any of the crimes herein specified declared not bailable, or though the crime charged be of a heinous nature, but not expressly declared to be unbailable.

XII. First. Upon a complaint being preferred in writing to a zillah magistrate against any person subject to his jurisdiction, for treason, murder, robbery, house-breaking, theft, setting fire to a village, house or other building, counterfeiting the coin, or any other crime declared not to be bailable, or though not so expressly declared, involving such dangerous breach of the peace or degree of criminality as from the facts deposed to before the magistrate may appear to require the immediate apprehension of the accused, and to render the admission of bail unsafe and improper, the magistrate on the truth of the charge being deposed to by the complainant, or in the manner required by the following Sections, shall issue a warrant under his official seal and signature, specifying the crime charged,

To issue warrant under his official seal and signature;

what the warrant is to contain;

and directing the officer entrusted with the execution of it, to apprehend the person accused.

Form of warrant for apprehension.

Second. The warrant shall be in the form prescribed in No. 3 of the appendix to this Regulation, and shall be directed to any police officer.

What to be specified in warrant when bail or security for keeping the peace is to be taken.

Third. If the magistrate shall in any bailable case, judge it proper to authorize the officer to whom the warrant is committed to receive bail for appearance (with or without security for keeping the peace), it shall be so specified in the warrant, with the extent of the bail (and security) required, according to the form prescribed in No. 4 of the appendix to this Regulation.

Form of bail bond for appearance before the magistrate.

Fourth. The bail to be taken for appearance before the magistrate, shall be in the form prescribed in No. 5 of the appendix to this Regulation.

Form of security bond for keeping the peace.

Fifth. When security may be required for keeping the peace, it shall be taken in the form prescribed in No. 6 of the appendix to this Regulation.

Personal attendance of complainant under certain circumstances herein described, not indispensible.

XIII. The attendance and deposition of the complainant shall not be indispensible in preferring a criminal charge, when sufficient reason can be assigned for his non-attendance. If the complainant be unable to attend in person or were not himself present at the commission of the act complained of, his written plaint presented by an authorized agent and corroborated by the deposition on oath (or on a solemn declaration, if the rank or cast of the deponent render it improper to require an oath) of one or more persons present or otherwise personally

informed of the truth of the complaint, shall be sufficient grounds for receiving the same, and for issuing process against the party accused, unless the magistrate see reason for making the previous enquiry authorized by the following Section; but no warrant for apprehension shall be issued on a complaint, unless the truth of the charge be deposed to on oath (or under a solemn declaration) either by the complainant himself, or by some other credible person. This shall not however, be construed to restrict a magistrate from issuing process to apprehend a person suspected of having committed a heinous crime, or for whose apprehension sufficient cause may appear upon the report of a police officer, or upon any other credible information.

Exception.

No warrant to be issued unless the charge be sworn to or deposed to under a solemn declaration either by the complainant or some other credible person.

Magistrate not restricted from issuing process for apprehension, upon the report of officers of police or other credible information.

XIV. If the magistrate see cause to distrust the truth of a complaint preferred to him, and if the immediate arrest of the party complained against appear unnecessary and objectionable, the magistrate is authorized to postpone his issuing his warrant for apprehension, and to cause a previous enquiry to be made, either by means of the local police officers or in such other mode as he shall judge most proper for the purpose of ascertaining the truth or falsehood of the complainant's allegations; if the result of such enquiry induce the magistrate to believe the charge well founded, and the offence committed be of the nature described in Section XII of this Regulation, he shall issue his warrant for apprehending the accused as therein directed; but if the accusation appear groundless, or though well founded, if the offence be of a bailable nature, he is empowered in the former case to dismiss the complaint, or in the latter case to direct bail to be taken from the accused

How the magistrate is to proceed if he see cause to distrust the truth of a complaint.

for appearance in person or by vakeel to answer the charge, as provided by the following Section.

How a magistrate is to proceed against a person charged with a bailable offence.

XV. First. Upon a complaint in writing being preferred to a zillah magistrate against a person subject to his jurisdiction, for any bailable crime or misdemeanor which may not appear to require the immediate apprehension of the accused, the magistrate, upon the party complaining making oath (or a solemn declaration if the party be of a rank or cast which would render it improper to compel him to take an oath) to the truth of the complaint, or without such oath (or declaration) if satisfactory reason be assigned by the complainant for not attending to make the same, and the truth of the charge be deposed to by some other credible person or persons, shall issue a summons under his official seal and signature, to be served by any police officer.

What the summons is to contain.

Second. The summons in all such instances shall specify the offence with which the accused is charged, and shall, according to the circumstances of the case, contain a requisition to attend either in person or by vakeel, to answer to the charge on or before a certain day to be stated in the summons, according to the form prescribed in No. 7 of the appendix to this Regulation.

Form to be substituted when bail is required.

Third. If it be deemed necessary to require bail, the extent of the bail is to be specified in the summons, in the form prescribed in No. 8 of the appendix to this Regulation.

Bail bond to correspond with that prescribed in clause

Fourth. The bail to be taken for appearance before the magistrate in pursuance of the above clause,

shall correspond with the form prescribed by clause IV, Section XII of this Regulation.

fourth of Section XII.

XVI. If an accused person on whom a summons shall have been served, shall not attend in person or by vakeel and give bail (if required) according to the exigence of the summons, within the period limited by it, the magistrate shall issue a warrant under his official seal and signature, for the apprehension of the accused; and if he abscond or conceal himself so that he cannot be found, shall proceed against him in the manner directed in the following Section.

How a magistrate is to proceed if the accused on whom a summons may have been served, shall not attend in person or by vakeel and give bail if required.

XVII. First. The magistrate is to cause a written proclamation in the language of the district, requiring the absent party to appear to answer the charge against him within a fixed period of time, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. In case the party shall not appear and deliver himself up within the period fixed by such proclamation, the magistrate, on receiving the police officer's return to this effect, is to order the attachment of any land or other real property held by the absentee within his jurisdiction, in the following manner.

Magistrates how to proceed against persons who may evade their processes by flight or concealment.

Lands or other real property to be attached upon non-attendance after proclamation.

Second. If the absentee be a proprietor of land, or sudder farmer, paying revenue to Government, the magistrate shall hold the land or farm of the

Attachment in what manner to be made if the absentee be a proprietor or far-

mer of land paying revenue to Government.

absentee in attachment, and take such measures as may be necessary for the due care and management of the lands whilst under his charge, subject to the instructions of the board of revenue, to whom he is to make an immediate report of any instances of land being attached by him under this Regulation.

Or if the absentee be not of the above descriptions.

Third. If the absentee be not a proprietor or farmer of land paying revenue to Government, but as a dependant talookdar, under farmer, or ryot, or in any other capacity whatever, be the tenant of landed property capable of attachment, the magistrate shall attach the same, and adopt the necessary measures for the due care and management of it whilst under his charge, paying from the product any rent which may become due to the zemindar or other person entitled thereto, and deducting all necessary expenses in the account to be rendered to the absentee, whenever he may attend, and the attachment of his property be removed.

Attachment to be taken off on attendance of the absentee and an account rendered of receipts and disbursements.

Fourth. In all instances wherein an attachment of property may be made under the foregoing rule, the magistrate, immediately on the attendance of the party for whose appearance it was ordered, shall direct that the attachment be removed, and that a full and fair account be rendered of all receipts and disbursements during the period of attachment.

Report to be made to the Governor in Council in case the absentee shall not attend within six months after the attachment of his lands.

Fifth. Should the absentee neglect to attend for a period of six months after the lands have been ordered under attachment, the magistrate shall report the case to the Governor in Council, who will pass such order upon it and upon the future disposal of the lands as he may judge proper.

XVIII. First. If any person amenable to the authority of the magistrate, shall resist, or cause to be resisted, any warrant, order or other process of any magistrate, the magistrate of the zillah in which such resistance may have been made, on the same being charged on oath shall, if practicable, cause the party to be apprehended and brought before him to answer to the charge. If the party shall abscond or conceal himself, so that he cannot be apprehended, the magistrate is to cause a written proclamation in the language of the district, requiring the party to appear to answer the charge against him within a fixed period of time, not less than one month, to be publicly read and proclaimed by beat of drum and to be affixed in some conspicuous part of his cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. If the party charged as above cannot be apprehended, and shall not within the period fixed by proclamation appear to answer the charge against him, or if he shall be apprehended, or shall appear in pursuance of the proclamation, and after receiving his answer to the charge and hearing the evidence he may adduce in his defence, it shall be proved to the satisfaction of the magistrate that he is guilty of the charge, the magistrate is to pass judgment against him in the following manner.

Magistrates how to proceed against persons resisting their processes.

Judgment to be passed against persons convicted of such resistance.

Second. If the offender be a zemindar, talookdar or other proprietor of land paying revenue to Government, or the proprietor of ultumgah, aymah, or other lands exempt from revenue, situated within the zillah in which the resistance was made, and the

If a proprietor of land paying revenue to Government or lakheraj land.

case shall not come under the rule provided in clause fifth of this Section, the magistrate shall declare such lands to be forfeited to Government, and shall hold them in attachment till the receipt of orders from the Governor in Council, to be communicated in the manner hereafter directed.

If a sudder farmer holding a farm from Government.

Third. If the offender be a sudder farmer holding a farm from Government within the zillah in which the resistance may have been made, and the case shall not come under the rule provided in clause fifth of this Section, the magistrate shall declare his lease cancelled, and shall proceed as above required with respect to lands declared forfeited to Government.

If the offender be not of the above descriptions.

Fourth. If the offender be not a proprietor of land or sudder farmer, paying revenue to Government as described in the two foregoing clauses, the judgment against him shall declare him liable to the payment of such fine to Government as may appear proper upon a consideration of his rank and circumstances in life, and the offence of which he may be convicted; and the magistrate shall immediately proceed to the attachment of any property appertaining to the offender for the recovery of the same, in the manner authorized by the Regulations for the recovery of sums of money decreed by the civil courts of justice; in cases wherein the offender may have been apprehended, and may not be possessed of property adequate to the discharge of the fine adjudged against him, the magistrate, with the concurrence of the foujdary adawlut, may commute such fine to imprisonment or corporal punishment.

Fifth. In cases of resistance to the process of a magistrate, not attended with aggravating circumstances, wherein the magistrate before whom the charge may be tried, shall judge it sufficient to inflict the punishment which he is authorized to inflict for petty offences, under Section XXXII of this Regulation, it shall not be necessary to transmit his proceedings for the consideration of the foujdary adawlut, as required by clause sixth of this Section, but the judgment of the magistrate shall be executed, in such cases, without reference to the foujdary adawlut.

Magistrates may inflict punishment in certain cases of resistance without the reference required in clause sixth.

Sixth. Provided always that the whole of the judgments passed by the magistrates under this Section (with an exception to the judgments passed under the preceding clause) be immediately reported, with a complete copy of their proceedings, to the court of foujdary adawlut, and the orders of that court be received under the following Section, before the judgment passed by a magistrate under this Section be considered final and conclusive.

Judgments of magistrates under this Section (with the exception specified) to be reported to the foujdary adawlut, without whose orders such judgments not to be considered final and conclusive.

XIX. The foujdary adawlut on the receipt of the proceedings above referred to, are to pass such order thereupon as they may think proper, on due consideration of the evidence and all the circumstances of the case, and in all instances wherein the forfeiture of the offender's lands or lease may appear to them too severe a punishment for the offence, they are authorized to commute the same for such fine to Government as they may judge adequate, and order the attachment of the lands to be taken off on the payment thereof. The sentence of the foujdary adawlut is to be final in all cases of

Foujdary adawlut how to proceed in cases referred to them under this Regulation.

fine, imprisonment and corporal punishment, but in case they shall confirm the judgment of the magistrate for a forfeiture of the offender's lands or lease, they are, previously to ordering such sentence to be carried into execution, to transmit their proceedings with those of the magistrate to the Governor in Council, who will finally determine whether the sentence of forfeiture shall be put in force, or commuted to a fine, or otherwise, and who, whenever he may order the land or lease of the offender to be forfeited to Government, will at the same time cause the necessary instructions for the future disposal of the land to be conveyed to the collector through the board of revenue. In case the magistrate's judgment of forfeiture be set aside, either by the foujdary adawlut, or the Governor in Council, he shall immediately on being informed thereof, and on receipt of the fine (if a fine be ordered), remove the attachment and cause a full and fair account to be rendered of all receipts and disbursements during the period of attachment.

Magistrates not restricted from admitting to bail persons accused of resistance to criminal processes in certain cases.

XX. The rules contained in Section XVIII of this Regulation, shall not restrict the magistrates from admitting to bail persons charged with resistance to a warrant, order, or other process of a magistrate in cases not attended with aggravating circumstances, or in any case when the magistrate upon receipt of the charge, or in the course of his enquiry respecting it, or after he shall have passed judgment upon it, during the reference required to be made to the foujdary adawlut, may judge proper to admit the defendant to bail. As resistance of process is not included in the specification of crimes declared not bailable, it is hereby declared that

In what cases such persons may be admitted to bail.

ons apprehended on a charge of resistance of ess under this or any other Regulation, and may not be accused of any aggravating crime addition to the resistance of process, such as is lared not bailable by Section X. of this Regula- , are to be admitted to bail until a final decision ll have been passed upon the charge, provided bail offered by them shall appear to the magis- te sufficient for securing the appearance of the sons so charged during the prescribed investigation the case.

Magistrate how to proceed when it may appear advisable to offer a reward for the discovery and apprehension of offenders in cases of magnitude.

XXI. In cases of gang robbery, murder, or other ious crime, when the magistrate shall be of opinion t the ordinary process prescribed for the appre- sion of public offenders would be ineffectual, or when the offenders may not be known, if it appear advisable to the magistrate of the jurisdiction in which the crime may be committed to offer a reward for the discovery and apprehension of the offender or offenders, he shall offer such reward as shall be deemed sufficient, not exceeding in any case the sum of one hundred arcot rupees for a surdar, or leader of a gang, and twenty rupees for each of the inferior offenders that may be discovered and apprehended in consequence. In any case which may appear to the magistrate to require a larger reward, he shall report the same to the court of foujdary adawlut, th his opinion of the reward that should be offered, d the court of foujdary adawlut may authorize ch reward as shall appear sufficient, not exceeding e sum of five hundred arcot rupees for a surdar or ader, and one hundred rupees for each of the ferior offenders; if these rewards appear to be in y case insufficient, the court of foujdary adawlut

Discretion vested in the magistrate in such cases,

and in the court of foujdary adawlut.

In what case a report to be made to,

the orders of Government.

shall report the same for the consideration and orders of Government.

Reward sanctioned under the preceding Section when payable.

XXII. All specific rewards offered under the discretion of the magistrate, or which may have been duly sanctioned by the court of foujdary adawlut, or the Governor in Council under the preceding Section, shall be payable on the *conviction of the offender or offenders before the courts of circuit. The courts of circuit are also hereby empowered to direct the payment of any part of the specific rewards authorized, although the persons apprehended may not be convicted of the crimes charged against them, if from proof of their notorious bad character and the whole of the evidence, there appear to be ground of presumption that the information given against the prisoners was well founded; provided farther, that it shall be competent to the court of circuit to withhold and prohibit the payment of the whole or any part of the specific rewards offered under the preceding Section, although the persons informed against and apprehended may be convicted, if it should appear on the trial that any improper means have been taken by the informer with a view to the conviction of the accused, or that the latter has suffered any maltreatment from the former, or from any person under his influence.

In what cases the courts of circuit may order payment of whole or a part, without conviction of the persons apprehended.

In what cases the courts of circuit may also withhold the payment of the rewards offered under preceding Section, notwithstanding the conviction of the persons apprehended.

Authority vested in the courts of circuit to direct a remuneration for meritorious service by police officers and others.

XXIII. In cases wherein any meritorious service may have been rendered by police officers or others in the apprehension or discovery of public offenders, for whom no specific reward may be pay-

* *Vide Section* VI, *Regulation* I, 1818.

e to the person or persons who have performed h meritorious service, the courts of circuit, on consideration of the service rendered, the exer- as made, and any expense incurred in the per- mance of it, are authorized to direct the payment such remuneration as may be considered ade- te, not exceeding the sum of one hundred rupees a surdar, and ten rupees for an accomplice. If arger reward be deemed proper, a report of the e shall be made to the court of foujdary adawlut, are authorized to direct the payment of any not exceeding five hundred rupees. If in any e it appear proper to grant a higher reward or pensation than five hundred rupees, the court of dary adawlut shall report the same for the con- ration and orders of Government.

In the discovery or apprehension of public offenders, when no specific reward may be payable to them;

and in the court of foujdary adawlut.

In what case a report to be made to Government.

XIV. First. Upon a prisoner being brought the first instance before the magistrate charged any crime or misdemeanor, he shall enquire into the circumstances of the charge, and examine the prisoner, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing. The witnesses shall be examined upon oath (or on a solemn declaration if of a rank or cast which would render it improper to take an oath), but the prisoner shall not be required to swear to the truth of his deposition; after this enquiry, if it shall appear to the magistrate that the crime or misdemeanor charged against the prisoner was never committed, or that there is no evidence of his having been concerned in the committing of it, the magistrate shall cause him to be forthwith discharged, recording his reasons for re-

Prisoner to be examined but not upon oath, and his deposition to be committed in writing.

The witnesses to the charge to be examined upon oath or solemn declaration and their depositions to be committed to writing.

Magistrate to discharge the prisoner if there shall not appear evidence of his guilt, recording his reasons for so doing.

leasing him, and submitting them to the court of circuit with the calendar ordered to be prepared in Section XI. of this Regulation.

Magistrates to send the prosecutor, witnesses and the prisoner to the criminal judge, if there shall be evidence that the crime or misdemeanor was committed.

Magistrate need go no further into examinations, than may satisfy his mind of the prisoner's guilt.

Second. If on the contrary it shall appear to the magistrate that the crime or misdemeanor was actually committed, and that there is evidence of the prisoner's having been concerned in the perpetration of it, the magistrate shall send the prosecutor, the witnesses and the prisoner, with the proceedings on the case, to the criminal judge of the *zillah; but it shall not be necessary for the magistrate to go further into the examination, than to satisfy his own mind that there is ground to believe the prisoner guilty of the crime charged against him.

Documents to be forwarded with the prisoner to the judge.

XXV.† Whenever the magistrate may forward a prisoner to the criminal judge under the preceding Section, he shall send by the police peons in charge of the prisoner, a paper containing the name of the prisoner, the crime with which he is charged and date of the charge, the date of his apprehension, and a list of the prosecutors and witnesses, and of all examinations and depositions that may have been taken either by himself or any police officers. The judge shall immediately on the receipt of such paper, certify on the back of it whether or not the prisoner and documents have been received, and shall return it by the police peons to the magistrate, and no other communication shall be necessary.

Prisoner's confes-

XXVI. When a prisoner confesses before the

* *Vide Section* II, *Regulation* III, 1821.

† *Vide Section* II, *Regulation* III, 1817.

magistrates the crime or misdemeanour of which he may have been accused, the magistrates are to be careful to have such confession witnessed by as many creditable persons (*part omitted under Section* [illegible], *Regulation* V, 1819.) who may be present at the time it may be made, as the mahomedan law requires to give it validity; but the magistrates are strictly enjoined to satisfy themselves that all confessions made by prisoners are free and voluntary. The magistrates are further required to take special care that persons upon being apprehended, are not made to suffer corporal punishment, or otherwise ill-treated, under the pretence of compelling them to answer truly the questions that may be put to them, or under any other pretext whatever.

sions or confirmations of former confessions of their guilt, to be attested by the number of witnesses the mahomedan law requires to render them valid.

The magistrate to be careful that they are free and voluntary, and to take special care that prisoners suffer no ill-treatment after apprehension to compel them to speak the truth or for other purpose.

XVII. No private compromise or razeenamah shall be admitted by the magistrate in crimes of a heinous nature, such as on conviction may require exemplary punishment for the ends of public justice.

Magistrate not to admit any compromise in crimes of a heinous nature.

XXVIII. All examinations and depositions taken before the magistrate are to be written on separate papers, signed by the deponents, attested by the signature of the magistrate, and are to be taken and written in the language in which the deponents may desire to have the same recorded.

Rule respecting examinations taken before the magistrate.

XXIX.* The magistrates of the several zillahs shall not receive any charges of perjury which may be preferred by parties in civil suits, either against their own witnesses or against the witnesses of the adverse party, or of subornation of perjury against

Magistrates not to receive charges of perjury.

* *Vide Section* VIII, *Regulation* II, 1822.

Individuals attending in civil suits not liable to prosecution for perjury, unless committed for trial by the judge.

the adverse parties in such suits, and all individuals whose attendance is required in the civil courts, either as plaintiffs, defendants or witnesses, are hereby declared not to be liable to any prosecution of this description, unless they shall be committed to take their trial by the zillah judge under the authority vested in him by Section VIII, Regulation III, 1802.

XXX. *Rescinded by Section* II, *Regulation* IX, 1828.

Process to be observed for apprehension and trial of europeans not british subjects.

XXXI. All europeans not british subjects shall be amenable to the authority of the magistrates, the criminal judges, and courts of circuit within whose jurisdiction they may be apprehended and brought to trial, in common with the natives of the country.

Misdemeanors which the magistrates are authorized to try;

and the punishment which they are empowered to inflict for such offences.

XXXII.* The magistrates are empowered to hear and determine without reference to any authority, all complaints or prosecutions brought before them for petty offences, such as abusive language, calumny, inconsiderable assaults or affrays, and to punish the offender when convicted, by committing him into prison in the zillah jail, or village choultry, as to them may seem proper, for a term not exceeding fifteen days, or by imposing a fine upon him, but the fine is in no case to exceed the sum of fifty arcot rupees, unless the offender be a zemindar, independent taluqdar, or other actual proprietor of land paying an annual revenue to Government of more than ten thousand arcot rupees, or a proprietor of ayma land paying a quit revenue to Government

* *Vide Sections* VII *and* VIII, *Regulation* IV, 1821.

exceeding five hundred arcot rupees per annum, or takheraj land, the annual produce of which may above one thousand arcot rupees, in which cases offender shall be liable to a fine not exceeding hundred arcot rupees. The magistrate is to fix amount of the fine under the limitations prescribed, upon a due consideration of the nature of case and the situation and circumstances in life the offender.

Crimes which the magistrates are also authorized to try under the restrictions herein specified;

and the punishment which they are empowered to inflict for such crime.

XXXIII.* The magistrates are authorized to hear and determine without reference to any authority, all complaints or prosecutions brought before them for petty thefts, when they shall not have been attended with any aggravating circumstances, or committed by persons of notorious bad characters; and to inflict upon the offenders corporal punishment not exceeding eighteen rattans, or commit them to prison in the zillah jail, or village choultry, as to them may seem proper, for a term not longer than one month, according as they may think proper upon a consideration of the circumstances of the case.

Form of warrant referred to, to be addressed by magistrates in certain cases to the keeper of the zillah jail.

XXXIV. First. In cases of a prisoner punishable by the magistrate under the two preceding Sections, being sent to the zillah jail, the magistrate shall forward with the prisoner a warrant in the form prescribed in No. 10 of the appendix to this Regulation, addressed to the keeper of the jail, who shall conform to the tenor of the warrant.

Warrant to be accompanied by a paper addressed to the judge.

Second. The warrant shall be accompanied by a paper addressed to the criminal judge, containing

* *Vide Sections VII and VIII, Regulation IV, 1821.*

The endorsement thereon required.

the name, the crime or offence, and the period of confinement to which the prisoner may have been sentenced. The judge shall return the paper by the police officers who may come in charge of the prisoner, with an endorsement attested by his official seal and signature, acknowledging the delivery of the prisoner.

Punishment to be inflicted on the complainants in the cases herein specified whose complaints are proved to be litigious, vexatious or groundless.

XXXV. Where the complaints specified in Sections XXXII and XXXIII of this Regulation, shall appear to the magistrate to be litigious, vexatious or groundless, he is authorized to punish the complainant by fine or imprisonment, under the limitations and restrictions prescribed for the punishment of the offences specified in Section XXXII.

In what cases bail for personal appearance shall not be required in the first instance;

but may be required at any time during the investigation;

How an officer entrusted with the serving of a summons is to proceed.

In what cases the officer serving the summons shall be entrusted to receive a razeenamah if acquiesced in by the defendant as a sufficient return to the process entrusted to him.

XXXVI. In cases of a trivial nature, such as abusive language, slight trespasses, and inconsiderable assaults or affrays in which there may be no reason to apprehend that the party complained against will abscond, bail for appearance shall not be required in the first instance; but may at any time during the investigation of the charge be called for by the magistrate, if any circumstances should occur to render it necessary. The officer entrusted with the service of the summons in such cases, as well as in all other cases wherein bail may not be required, shall demand only an acknowledgment of the receipt of it, and in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same and to return an acknowledgment for the party. The officer serving the summons in such instances shall be authorized, on the tender of a razeenamah expressing the plaintiff's desire to with-

draw his complaint, and the defendant's acquiescence in the complaint's being withdrawn, to receive such razeenamah, as a sufficient return to the process committed to him; but excepting in the trivial cases noticed in this Section, no razeenamah shall be received without the special sanction of the magistrate.

Provided that except in the trivial cases noticed, no razeenamah shall be received without the sanction of the magistrate.

XXXVII. *Rescinded by Clause first, Section VII, Regulation* IV, 1821.

XXXVIII. The magistrates are to pay the customary daily subsistence money to all prisoners, from the time of their apprehension to the date of their discharge or delivery to the criminal judge.

Magistrate to pay the customary diet money to prisoners.

XXXIX.* First. No fines, except in the cases specified in the second clause of this Section, shall be imposed by a magistrate, save and except to the use of Government, and whenever a fine to the use of Government shall be imposed, the magistrate who may pass the sentence, shall at the same time, weighing all the circumstances of the case, fix a definite period of imprisonment to be held as equivalent to the fine, at the expiration of which the persons convicted shall be discharged if they have not previously paid the fine. In cases in which the magistrate shall impose fines, the imprisonment to be fixed by them as equivalent to the fines, shall not exceed the periods specified in Sections XXXII and XXXIII of this Regulation.

No fines to be imposed by magistrates but to the use of Government, with a definite period of imprisonment to be held as equivalent to the fines imposed.

Imprisonment not to exceed periods herein specified.

Second. In case of injury to any complainant

Application of fine

* *Vide Section* XXXIV, *Regulation* X, 1816.

When levied in cases of injury to complainants.

when the fine may have been levied, it shall be lawful for the magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury, as he may deem equitable.

Magistrates to submit two calendars to the courts of circuit.

What to contain.

XL.* First. The magistrate shall cause to be delivered to the courts of circuit upon their arrival at the places of residence of the criminal judges of their respective zillahs, a calendar *(rescinded by Section* II, *Regulation* IX, 1828,) containing a list of all persons whom they may have apprehended for crimes or misdemeanors, and discharged for want of sufficient evidence; as also a calendar in the form prescribed *(rescinded by Section* II, *Regulation* IX, 1828,) containing a list of all punishments which they may have ordered on petty offences or petty thefts, with the exception of those cases which are not required to be made matter of record under Section XXXVII of this Regulation.

What papers and proceedings are to accompany these calendars.

Directions to the circuit judge in certain cases.

Second. These calendars are to be accompanied with all the original proceedings in each case, and if the court of circuit shall be of opinion that any of the persons mentioned in the first calendar have been discharged, or the persons specified in the second calendar punished upon insufficient grounds, they are to transmit to the magistrate such written orders on the case as may appear to them proper, to which he shall conform.

Court of circuit to report instances of neglect or miscon-

Third. The courts of circuit are to report to the foujdary adawlut for the information and orders of

* *Vide Section* VIII, *Regulation* IV, 1821.

Government, whenever the magistrates omit or refuse to obey their orders, as also whenever it shall appear to them that the magistrates have been guilty of neglect or misconduct in the discharge of their duty.

duct on the part of magistrates in the discharge of their duty.

XLI. Every summons or other criminal process, shall be served by a peon or other police officer receiving wages from Government, and no diet money or other allowance or gratuity shall be demanded or received, from the complainant, or accused, whether the case be adjusted by razeenamah or otherwise, and the demand or receipt of such by any public officers, directly or indirectly, in violation of this rule, shall be punishable as a criminal offence on conviction before the magistrate, the criminal judge of the zillah, or court of circuit; the offender shall also be compellable, either by a criminal prosecution or by a civil action, to refund the amount received, besides being liable to immediate dismission from office under the provisions contained in the existing Regulations.

Public officers in the pay of Government charged with the serving of process, prohibited from demanding or receiving diet money from the parties.

XLII. Magistrates are hereby empowered to remove police officers from one station to another within their respective jurisdictions, without reference to any authority.

Magistrates empowered to remove police officers from one station to another, at discretion.

XLIII. The zillah magistrates and their assistants are hereby declared amenable to the zillah court in the jurisdiction of which they may reside or carry on the public business committed to their charge, by a civil prosecution for any act or acts done in their official capacity in opposition to any established Regulation.

Magistrates and their assistants amenable to the zillah court for acts done in their official capacity.

Such part of Sections herein specified as refer to the magistrate, made applicable to the criminal judge of the zillah only.

XLIV.* Such parts of Section II, Regulation I,† 1808; Section XXI, Regulation I, 1812; and Section XVI, Regulation III, 1812, as refer to the magistrate of the zillah, are hereby declared applicable to the criminal judge of the zillah only.

The offences specified in the Sections herein referred to, punishable by the magistrate under the limitations of punishment prescribed by this Regulation.

XLV. The offences specified in Section XIII, Regulation I,† 1808; Sections XXIII and XXIV, Regulation I, 1812; and in Sections XX and XXI, Regulation III, 1812, shall be cognizable by the magistrate under the limitations with regard to the extent of punishment prescribed by Sections XXXII and XXXIII of this Regulation; but in all cases where the magistrate may deem the punishment which he is authorized to inflict inadequate to the offence, he shall send the witnesses and the offender, with the proceedings on the case, to the criminal judge of the zillah.

Part of clause referred to, declared applicable to this Regulation.

XLVI. Such part of Clause first, Section VII, Regulation II,‡ 1808, as refers to Regulation VI, 1802, is hereby declared applicable to this Regulation.

Zillah magistrates to take the prescribed oath as justices of the peace.

XLVII. The magistrates of the several zillahs who have not already taken the prescribed oath of qualification to act as justices of the peace of their respective districts, are hereby required to do so within three months from this date; and all persons hereafter appointed to the station of zillah magistrate, are hereby required to take the said oath

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* *Vide Section* IX, *Regulation* V, 1821.

† *Vide Section* II, *Regulation* I, 1820.

‡ *Vide Section* II, *Regulation* IX, 1827.

within three months from the date of their appointment.

APPENDIX—*Omitted.*

A. D. 1816. REGULATION X.

A REGULATION, for constituting the judges of the courts of adawlut of the several zillahs, criminal judges of their respective zillahs, and for defining their powers.—Passed by the Right Honorable the Governor in Council of Fort St. George, on the 13th of September 1816.

WHEREAS it appears expedient in order to facilitate the administration of criminal justice to constitute the judges of the courts of adawlut of the several zillahs, criminal judges of their respective zillahs, and to prescribe rules for their guidance in bringing to trial persons charged with crimes and offences: the following rules have been enacted. Preamble.

II. The judges of the courts of adawlut of the several zillahs, shall hold the office of criminal judge of the zillah under their respective jurisdictions; previous to entering upon the execution of the duties of the office, they shall take and subscribe an oath according to the form prescribed in No. 1 of the appendix to this Regulation, before the Governor in Council, or any person whom he may commission to administer it. Judges of the zillah courts, to be criminal judges in their respective jurisdictions.

Registers to the zillah courts to be assistants to the criminal judges of the zillahs.

III. The registers to the zillah courts shall be assistants to the criminal judges of the zillahs.

Assistants may in certain cases be employed judicially.

IV. The criminal judges are authorized to employ their assistants in the execution of such part of their prescribed duties as, from the extent of their general business or other cause, they may be unable to give due attention to themselves; provided, that previous to any such assistant entering upon the exercise of judicial authority, he shall take and subscribe before the judge, an oath according to the form prescribed in No. 2 of the appendix to this Regulation.

Proviso.

Assistants having taken the prescribed oath may in certain cases act judicially.

V. First. The assistants to the criminal judges who may have taken and subscribed the oath prescribed by this Regulation, are authorized to exercise the judicial power vested in the judge by this Regulation, as far as may be necessary to enable them to perform the duties committed to them respectively by the judges with whom they are stationed.

The provisions of Section XV, Regulation XII, 1802, declared applicable to the criminal judges and their assistants.

Second. The provisions of Section XV, Regulation XII, 1802, with the exception of what relates to the preservation of the peace of the district, are hereby declared applicable to the criminal judges of the several zillahs and their assistants.

Special jurisdiction of the criminal judges of the several zillahs.

VI. The special jurisdiction of the criminal judges of the several zillahs, is to extend throughout the districts included in the zillahs in which they are respectively stationed; provided however, that the criminal judges be not considered to have any jurisdiction or authority whatever in the town of Madraspatnam, or any places adjacent within the

Exception.

limits* of the jurisdiction of the Supreme Court of Judicature at Madras.

Criminal judges empowered in certain cases to pass sentence of imprisonment with corporal punishment;

VII.† The criminal judges are hereby empowered in all cases of conviction before them of a criminal offence punishable under the mahomedan law and the Regulations for which the penalties authorized by Sections XXXII and XXXIII, Regulation IX, 1816, may appear insufficient, or to which the rules referred to may not be expressly applicable, and for which a more severe punishment than six months imprisonment with thirty rattans, or a fine of two hundred rupees may not have been especially prescribed (in which case the prisoner, if there appear grounds for it, must be brought to trial before the court of circuit), to pass sentence of imprisonment not exceeding six months, with corporal punishment not exceeding thirty rattans in cases of theft, or in other cases with a fine not exceeding two hundred rupees, commutable, if not paid, to a further period of imprisonment not exceeding six months, so that the entire period of imprisonment under the sentence of a criminal judge, shall in no instance exceed one year.

and fine under the limitations herein specified.

Criminal judges competent only to take cognizance of criminal charges brought before them by magistrates or their police officers. Proviso.

VIII. The criminal judge of the zillah shall not receive or take cognizance of any criminal charge or information, except such as may be brought before him by a magistrate or some police officer under his authority; provided however, that this restriction shall not be considered as applicable to

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* *Vide Section* XII, *Regulation* II, 1802.

† *Vide Section* III, *Regulation* VI, 1822.

cases in which an european british subject shall be a party.*

Prisoner to be examined but not upon oath, and his deposition to be committed to writing.

IX. First. Upon a prisoner being brought before the criminal judge, he shall enquire into the circumstances of the charge, and examine the prisoner and the complainant, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing.

Prosecutor and his witnesses to be examined upon oath or on a solemn declaration, and their depositions to be committed to writing. Judge to discharge the prisoner if there shall not appear to him sufficient ground for commitment, recording his reasons for so doing.

The complainant and the witnesses shall be examined upon oath (or on a solemn declaration, if the rank or cast of the deponent render it improper to require an oath), but the prisoner shall not be required to swear to the truth of his deposition; after this enquiry, if it shall appear to the judge that the crime or misdemeanor charged against the prisoner was never committed, or that there is no evidence of his having been concerned in the committing of it, the judge shall cause him to be forthwith discharged, recording his reasons for releasing him, and submitting them to the court of circuit with the calendar ordered to be prepared in Section XXIII of this Regulation.

Judge to punish the prisoner if the crime be committed and punishable by fine.

Second. If on the contrary, it shall appear to the judge that the crime or misdemeanor was actually committed by the prisoner, and if it shall be punishable by the judge under Section VII of this Regulation, he shall adjudge such punishment as he may deem proper.

Judge to commit

Third. If the crime or misdemeanor be not pu-

* *Vide Clause second, Section* II, *and Section* III, *Regulation* VIII, 1829.

nishable by the judge, and if it shall appear that it was actually committed, and that there is evidence of the prisoner having been concerned in the perpetration of it, the judge shall commit him to prison, or hold him to bail (according as the offence may be bailable or not), to take his trial at the next session of the court of circuit, and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence.

the prisoner, or to hold him to bail if there shall appear to him sufficient ground for so doing.

Fourth. All bail bonds for prisoners released upon bail, and the recognizances required to be taken from prosecutors and witnesses, shall be for a specific sum, the amount of which shall be determined by the judge upon a due consideration of the case, and the circumstances and situation in life of the parties, and shall contain a clause declaring the amount forfeited to Government in the event of the condition of it not being performed.

All bail bonds and recognizances to be for specific sums, to be forfeited upon non-performance of the conditions :— rule for determining the amount of such sums.

X. The criminal judges are to be careful to ascertain from the complainant and to record upon their proceedings, on what day of the month, in what year and at what time of the day or night, the act complained of was committed ; when a prisoner confesses before them the crime or misdemeanor with which he may have been accused, or confirms any former confession that he may have made of his having committed such crime or misdemeanor, the judges are to be careful, in cases referrible to the court of circuit, to have such confession or confirmation of a former confession witnessed by as many creditable persons, *(part omitted under Section* 11, *Regulation* V, 1819,) who may be present at the time

Points to be attended to by the judges in their enquiries into charges before them.

it may be made, as the mahomedan law requires to give it validity, and to cause such witnesses to be in attendance at the next sessions of the court of circuit; all confessions made by prisoners shall be free and voluntary, and notwithstanding such confessions, the judges are invariably to summon and bind over to attend at the next sessions, the witnesses to the commission of the crime or misdemeanor alleged against the prisoner, that they may be examined before the court of circuit in the same manner as if the prisoner had denied the charge.

Bail if sufficient to secure attendance may be admitted in all cases not prohibited by the Regulations.

Courts of circuit in certain cases may direct the judge to admit to bail persons accused of offences not bailable under the Regulations;

and may direct judges wherein excessive bail may have been required by them, to receive such bail as may by the court of circuit be deemed sufficient.

XI. In all cases of trial before the court of circuit, if the admission of bail have not been prohibited by the Regulations, and the bail tendered shall appear sufficient for securing the appearance of the party accused, he shall be admitted to bail, until sentence be passed upon the charge against him; moreover, in special instances wherein the court of circuit on report from the criminal judge, or on other satisfactory information before them, may deem it just and proper to admit to bail a person charged with an offence not bailable under the general provisions contained in the Regulations, that court is declared competent to instruct the judge to accept sufficient bail, instead of keeping the accused in confinement whilst the charge against him is under trial. The court of circuit may likewise in all bailable cases wherein the bail required by the judge shall appear excessive, direct the judge to receive such bail as may be deemed sufficient to answer the purpose intended by it.

Form of bail bond for persons to be tried before the court of circuit.

XII. The bail to be taken under the preceding Section, as well as in all cases of persons being held

to bail for trial before the courts of circuit, shall be according to the form prescribed in No. 3 of the appendix to this Regulation.

Prisoner to be questioned at the time of his being committed or held to bail and his answer recorded on the judge's proceedings, with specification of any witnesses named by him.

XIII.* In all cases of a prisoner being committed or held to bail for trial before any court of circuit, the criminal judge, who may order him to be so committed or held to bail shall, immediately after passing such order, question the prisoner whether he wishes to have any witness or witnesses examined in his defence before the court of circuit, and in the event of his answering in the affirmative, shall cause a list of the witnesses named by the prisoner, specifying their designations and places of abode, to be taken down and recorded upon his proceedings; or in the event of the prisoner's replying in the negative, shall cause his reply to that effect to be recorded on his proceedings, for the information of the court of circuit.

Any witnesses named before the arrival of the court of circuit to be summoned to attend the trial before that court.

XIV.† In the event of any person, whether committed or held to bail for trial before the court of cuit at any time before the session of that court, desiring the examination of any witness or witnesses upon his trial, although the same may not have been named by him at the time of his being committed, or held to bail, the criminal judges are to be careful to cause the attendance of such witnesses, as well as of those before named, at the time fixed for the trial of the party who may desire their examination.

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* *Vide Regulation* II, 1822.

† *Ditto.*

Rules respecting examinations taken before the judge.

XV. All examinations taken before the criminal judge are to be written on separate papers, signed by the deponents, attested by the signature of the judge, and arranged according to their respective dates.

Depositions to be taken and written in the language in which the deponents may desire; papers to be accompanied by a persian translate in cases of commitment only.

XVI. All examinations and depositions are to be taken and written in the language in which the deponents may desire to have the same recorded, and the criminal judges shall in all cases of commitment, and in such cases only, accompany all papers written in the native languages, with a translation in the persian language, which translation is to be compared with the original by the officers of the court of circuit.

Notice that the criminal judges are to give of the time by which the judges of circuit expect to arrive at their stations.

XVII. The criminal judges upon receiving notice from the judges of the courts of circuit of the time by which they expect to arrive at their respective stations, shall cause public notice of it to be given by a written publication, requiring all persons discharged upon bail, and all prosecutors and witnesses who may have been bound over to appear, to attend by the date fixed for the arrival of the court of circuit, under the penalty of forfeiting their recognizances in the event of their not attending. The judges shall send a copy of this publication to the magistrates of the zillahs, who shall cause a copy of it to be fixed up in some public place in the principal town or village in each district in their respective zillahs.

Judges to be careful

XVIII.* The criminal judges previous to the

* *Vide Regulation* II, 1822.

arrival of the courts of circuit at their respective stations, shall again ascertain from the persons committed or held to bail to take their trial, the names or places of abode of any witness or witnesses they may wish to have examined in their defence, and shall issue the customary process to cause such witnesses to attend at the time fixed for the trial of the persons in whose behalf they may be summoned.

to cause the witnesses on the part of persons committed, or held to bail to take their trial, to be in attendance by the time of the arrival of the courts of circuit:

XIX. The criminal judges are to have in readiness to deliver to the judges of the courts of circuit upon their arrival at their respective places of residence, a calendar *(rescinded by Section* II, *Regulation* IX, 1828.)

Form of the calendar of the prisoners committed or held to bail to take their trial, to be submitted by the judge to the courts of circuit upon their arrival at their respective stations.

XX. The calendar is to be accompanied with the criminal judge's proceedings on each charge, which shall contain the following vouchers, or as many of them as from the nature and circumstances of the case may be requisite and procurable, with such other papers and documents as the judge may have in his possession or judge necessary to be obtained for the information of the court of circuit.

Documents which are to accompany the calendar.

1st. An attested copy of the complaint or charge.

2d. An attested copy of the plaintiff's oath to the truth of the charge, in which is to be inserted in cases of robbery and theft, the inventory of the money or property stolen or plundered, with the amount or computed value of it.

3d. The name or names of the person or persons apprehended.

4th. The examination of the person or persons apprehended.

5th. The further examination of the prosecutor on oath, in cases where any such examination may have been taken.

6th. A list of the witnesses summoned by the desire of the prosecutor, particularizing the names of such as may be in attendance, and those who are absent, with the cause of the non-attendance of the latter.

7th. The depositions of the witnesses who may have been in attendance.

8th. The names of the witnesses who may have been summoned at the requisition of the prisoner, specifying those who are in attendance, and such as are absent, and the cause of the non-attendance of the latter.

Further documents to be produced if required.

XXI. The following documents shall also be delivered if required by the judges of the courts of circuit.

1st. The prosecutor's recognizance to appear and prosecute to the charge.

2d. The recognizances of the prosecutor's witnesses.

3d. A copy of the magistrate's warrant or summons for the apprehension or appearance of the offender.

4th. A copy of such examinations as may have been taken by the magistrate, or by any police officer under him.

Magistrates to furnish the courts of circuit with the original returns of the nazir respecting summonses to witnesses not in attendance;—both nazir

XXII. The list of witnesses shall further be accompanied with the original returns made to the criminal judge by the nazir, and person deputed on his part to serve the summons on any witness who may not be in attendance; and the nazir, and person

so deputed on his part, shall be kept in attendance on the court of circuit to answer any interrogatories which that court may have occasion to put to him, to the end that the court of circuit may be enabled to ascertain the real cause of the non-attendance of any witness by their own enquiry, and to evince to the court of foujdary adawlut in cases referrible to that court, that all due measures have been taken to ensure the attendance of the witnesses, both on the part of the prosecutor and the prisoner.

and person deputed, to attend the court of circuit.

XXIII. The criminal judges are to lay before the courts of circuit upon their arrival at their respective places of residence, two separate calendars, the first containing a list of all persons whom they may have discharged for want of sufficient evidence to warrant the committing them to prison, or holding them to bail to take their trial for the crime or misdemeanor charged against them, and accompanied with their reasons for having released them as prescribed in Section IX of this Regulation. The second comprising a list of the persons whom they may have punished for crimes or misdemeanors cognizable by them, the crime or misdemeanor with which the prisoners may have been charged and the sentence passed upon them; these calendars shall *(rescinded by Section* II, *Regulation* IX, 1828,) be accompanied with all the original papers and proceedings in each case; and if the court of circuit shall be of opinion, that any of the persons mentioned in the first calendar, have been discharged, or the persons specified in the second calendar, punished upon insufficient grounds, the judges of those courts are hereby authorized, whenever any case so brought before them may appear not to have been

Two further calendars herein specified to be submitted by the judges to the courts of circuit.

What papers and proceedings are to accompany these calendars.

The judges of circuit are authorized whenever any case may appear not to have been sufficiently investigated, to direct a further inquiry to be made by the judge and the result to be communicated to the court

of circuit collectively for their orders.

sufficiently investigated, and a further enquiry may be practicable and requisite for the ends of justice, to direct such additional enquiry to be made by the criminal judge, and the result to be communicated to the judges of the court of circuit collectively for their orders on the case.

Two or more judges of a court of circuit competent to call for the proceedings of a criminal judge or his assistant on occasion of petitions being presented to them relative to such proceedings, and to pass such orders thereupon as may be proper.

XXIV. Two or more judges of a court of circuit forming a court at the sudder station, are hereby declared competent on all occasions when it may appear necessary upon petitions presented to them relative to the proceedings of any criminal judge, or of an assistant to a judge within their jurisdiction, to call upon the judge for his proceedings, or those of his assistant on the case, and to pass such orders thereupon as they may deem proper and consistent with the Regulations.

The foujdary adawlut competent to call for the proceedings of the courts of circuit and of the criminal judges whenever requisite, and to pass such orders upon them as may appear proper.

XXV. In like manner the court of foujdary adawlut are declared competent to call for the proceedings of any court of circuit, or of any criminal judge, or assistant to a judge, whenever it may appear requisite, and to pass such orders thereupon as that court may deem just and proper.

Judge to notify the commitment of proprietors of land to the collector of the zillah.

XXVI. If the criminal judge shall commit any zemindar, independent talookdar, or other actual proprietor of land to be tried before the court of circuit, he is to notify the commitment to the collector of the zillah, that if necessary, he may take measures to prevent any delay in the payment of the public revenue assessed upon the lands of the offender.

The zillah jail

XXVII. The jail of the zillah shall be placed

under the exclusive charge of the criminal judge of the zillah.

placed under charge of the judge.

XXVIII. The criminal judge shall visit the jail at least once in every month, and redress all well founded complaints of ill-treatment which may be preferred to him by the prisoners against the jailor, or any officer having charge of them; he is to be particularly attentive to the health and cleanliness of the prisoners, and to see that the surgeon of the station attends and administers to the sick.

Judges how often to visit the jail to redress all well founded complaints;

to attend to the health and cleanliness of the prisoners.

XXIX. Separate apartments in the jail shall be allotted for the following descriptions of prisoners.

Description of prisoners ordered to be confined in separate apartments.

1st. Prisoners under sentence of death.

2d. Prisoners sentenced to confinement by a criminal judge, by the court of circuit, or the foujdary adawlut.

3d. Prisoners committed to take their trial before the court of circuit.

4th. Prisoners sentenced to confinement by the magistrate for petty crimes or misdemeanors cognizable by him. And as the crimes proved or alleged against the second and third descriptions of prisoners must be of different degrees of atrocity, the criminal judges are required to separate those who have been found guilty or accused of heinous crimes, from such as have been convicted of or charged with crimes of less magnitude. They are likewise to separate the male from the female prisoners, so as to prevent their having any communication with each other, and the rules prescribed in this Section for keeping apart the several descriptions of the former, are to be considered applicable also to the latter.

Further descriptions of prisoners to be confined in separate apartments.

Female to be kept separate from male prisoners in all cases.

The judges are further enjoined to endeavour to prevent drunkenness, gaming and other immoralities being practiced in the jails.

Charges and the orders passed upon them by the judge to be recorded in the english and language of the district.

XXX. All complaints or charges, with the orders upon them, are to be recorded in the office of the criminal judge, in the english and language of the district in which the court may be held.

Judges to pay the customary diet money to prisoners.

XXXI. The criminal judges are to pay the customary daily subsistence money to all prisoners, from the time of their being delivered over to them, to the date of their discharge.

The judges are to pay to persons released after a confinement of six months or upwards, a sum sufficient for a month's subsistence if they stand in need of it, but it is in no case to exceed five rupees.

XXXII. The criminal judges are to pay to all persons who may be released from jail after an imprisonment of six months or upwards, calculating from the date of their sentences, and who shall appear to be in actual need of such assistance, a sum sufficient to maintain them for one month. The sum to be so paid to each individual, is to be regulated by his situation in life; but it is in no case to exceed five arcot rupees, and in every instance is to be confined as much within that amount as may be consistent with the purpose for which the allowance is granted.

Judges to pay to prosecutors and witnesses two annas per day each if they stand in need of it, during their attendance on the court of circuit.

XXXIII. The criminal judges are to pay to all prosecutors and witnesses who may appear to be actually in need of such assistance, a daily allowance of two annas of a rupee each during their attendance on the court of circuit, and the same allowance for as many days as in their opinion may be sufficient for such prosecutors and witnesses to come from and return to their respective homes.

XXXIV. The provisions of Section XXXIX, Regulation IX, 1816, respecting the imposition and disposal of fines by the magistrate, are hereby declared equally applicable to the office of criminal judge.

Amount of fines imposed how to be disposed of.

XXXV to XXXVII. *Rescinded by Section* II, *Regulation* IX, 1828.

XXXVIII. Such cases as come under Section XIII, *Regulation I, 1808; Sections XXIII and XXIV, Regulation I, 1812; and Sections XX and XXI, Regulation III, 1812; which may be referred under Section XLV, Regulation IX, 1816, by the magistrate to the criminal judge, shall be cognizable by him under the limitations with regard to punishment which are prescribed by the Sections above specified respectively.

Referred cases herein specified made cognizable by the criminal judge.

XXXIX. Such parts of Section XXIII, Regulation II, 1802; Section XI, Clause VI, Section XVIII, Sections XXVIII, XXX, XXXII and XLI, Regulation VII, 1802; Sections XIII, XVIII and XXIV, Regulation VIII, 1802; Clause VI, Section II, Clause IV, Section VIII, and Section XI, Regulation XV, 1803; and Section III, Regulation VI, 1808, as refer to the magistrate, are hereby declared to be applicable to the criminal judge only.

The provisions of certain Sections made applicable to the criminal judge.

XL. The criminal judges of the several zillahs who have not already taken the prescribed oath of qualification to act as justices of the peace of their

Criminal judges to take the prescribed oath as justices of the peace.

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* *Vide Section* II, *Regulation* I, 1820.

respective districts, are required to do so within three months from this date; and all persons hereafter appointed to the station of criminal judge, are required to take the said oath within three months from the date of their appointment.

APPENDIX—*Omitted.*

A. D. 1816. REGULATION XI.

A REGULATION, for the establishment of a general system of police throughout the territories subject to the Government of Fort St. George.—Passed by the Right Honorable the Governor in Council of Fort St. George, on the 13th of September 1816.

Preamble.

IT being expedient that a system of police founded chiefly upon the ancient usages of the country should be established throughout the territories subject to the Government of Fort St. George, and that the powers and authorities of the several classes of persons to be entrusted with the performance of police duties should be defined: The Right Honorable the Governor in Council has been pleased to enact the following rules.

Regulations rescinded.

II. Regulation XXXV, 1802, and Section XII, Regulation IV, 1808, are hereby rescinded.

Present establish-

III. The present establishments of police daro-

gahs and tanahdars shall from the first day of November 1816, be abolished, and the duties heretofore discharged by those persons shall be performed by persons of the descriptions hereinafter mentioned.

ment of police darogahs and tanahdars abolished.

1. Heads of villages as described in Section III, Regulation IV, 1816, aided by curnums or village registers, and tallyars and other village watchers.

The persons by whom police duties are hereafter to be discharged.

2. Tahsildars, or native collectors of districts, by whatever name designated, with the assistance of peshkars, gomashtas, and establishments of peons.

3. Zemindars.

4. Ameens of police.

5. Cutwals and their peons.

6. Magistrates of zillahs and their assistants.

IV. Heads of villages shall be ex-officio heads of the police of their respective villages.

Heads of villages to be heads of police in their villages.

V. First. Heads of villages are authorized and directed to apprehend all persons charged with committing crimes, or offences, or breaches of the peace; and all persons accused of injuring the public buildings, roads, tanks, and water channels; and except in the trivial cases, wherein they are authorized by Section X of this Regulation to inflict punishment, they shall forward the persons whom they may apprehend, together with the accusers and witnesses, to the police officer of the district.

Heads of villages to apprehend offenders and forward them to the police officer of the district.

Exception.

Second. Heads of villages shall not receive from any person whom they may apprehend any confession either verbally or in writing, except in the trivial cases referred to in the preceding clause; nor shall they on any account, except the accused person be in such a state as to render his removal

Heads of villages not to receive confessions.

Nor to detain any person in their custody longer than twenty-four hours.

improper, detain any person in their custody longer than twenty-four hours.

Heads of villages authorized to call upon the inhabitants generally for assistance.

Proviso.

VI. In cases of emergency the head of the village is authorized to call upon the inhabitants generally to assist him in securing offenders, and all the inhabitants of the village are hereby required to co-operate with him on such occasions; provided that no person who is prohibited by the rules of his cast or profession from performing such service, shall be compelled so to do.

Heads of villages authorized to call on the heads of neighbouring villages for assistance.

VII. If heads of villages shall be unable with the persons at their command, and the people of their own villages, to apprehend the parties accused, they shall have authority to call on the heads of neighbouring villages for assistance, and all heads of villages are hereby required to afford the most prompt assistance whenever they may be called upon by their neighbours so to do.

Heads of villages to communicate to each other information on subjects connected with the peace of their respective villages.

VIII. Heads of villages shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's villages, and shall co-operate in all things for the apprehension of offenders and the general security of the country.

Heads of villages to report to the police officer of the district the arrival of suspicious persons in their respective villages.

IX. Heads of villages shall report to the police officer of the district the arrival in their villages of strangers of suspicious appearance, and all information which they may be able to collect concerning such persons.

X.* First. In cases of a trivial nature, such as abusive language and inconsiderable assaults or affrays, heads of villages shall have authority on a verbal examination, either to dismiss the parties, or if the offence charged shall be proved to have been committed by the persons accused of it and shall appear deserving of punishment, to confine the offending parties in the village choultry for a time not exceeding twelve hours, or if the offending parties shall be of any of the lower casts of the people on whom it may not be improper to inflict so degrading a punishment, to order them to be put in the stocks for a time not exceeding six hours.

Heads of villages authorized to inflict punishment in certain cases.

Limitation of punishment.

Second. Heads of villages shall report to the police officer of the district all cases in which they shall have exercised the power of punishment granted to them by the first Clause of this Section, but it shall not be necessary for them to report the cases in which they may dismiss parties.

Heads of villages to report to the police officer of the district all cases wherein they have inflicted punishment.

XI. First. Where heads of villages may have credible information of stolen property being concealed, and there may be reason to apprehend that it will be made away with unless prompt measures be taken to secure it, they shall cause search to be made and the property if found, to be secured and forwarded with the offender to the police officer of the district. If the place of concealment be a dwelling house, the search shall be made only between sunrise and sun-set.

Heads of villages how to proceed on receiving information of stolen property.

Second. Heads of villages shall apprehend and

Heads of villages to

* *Jurisdiction extended by Section* VI, *Regulation* IV, 1821.

apprehend and send to the police officer of the district all persons found selling property suspected to be stolen.

send to the police officer of the district all persons who may be found selling property which there may be reasonable ground to suspect has been stolen, and of which such persons may not be able to give a satisfactory account.

To send also to the police officer the persons acquainted with the circumstances of the case.

Third. Heads of villages shall also send to the police officer along with the persons accused of selling stolen property, such persons as may be able to give an account of the circumstances of the case.

Heads of villages to take charge of all strays and to report each case to the police officer of the district.

XII. Heads of villages shall take charge of all stray cattle, horses, sheep and other strays of which the owners may not be known, and shall report each case to the police officer of the district.

Heads of villages how to proceed on the discovery of dead bodies.

XIII. First. The head of the village on receiving information of the discovery of the body of a person supposed to have been murdered, shall immediately proceed to the spot with the curnum and two or three respectable inhabitants, in whose presence he shall examine every person who may be able to afford any information regarding the discovery of the body and it's appearance when discovered, or regarding the murder of the deceased, if the body should have been deprived of life by murder.

Heads of villages to send notice of the discovery of dead bodies to the police officer of the district.

Second. The head of the village on receiving information of the discovery, shall also without delay send notice of it to the police officer of the district, and if the police officer shall arrive at the spot in time to enquire into the circumstances under which the body may have been discovered, the enquiry shall be conducted under his superintendence.

Third. If the police officer should not appear to conduct the enquiry, the head of the village shall cause the curnum to take down in writing the evidence of the persons who may be examined, and to record any necessary particulars respecting the appearance of the body, and to frame a report of the whole proceedings. The head of the village shall attest such report with his signature, and having procured it to be attested by two or more of the inhabitants who may be present at the investigation, and by the curnum, he shall forward it to the police officer of the district, with the evidence he may have taken.

Heads of villages how to proceed if the police officer should not appear to conduct the enquiry.

Fourth. If on the proceedings of the head of the village there shall in any case appear ground for suspecting any person or persons who may be within his jurisdiction of having committed the murder, the head of the village shall immediately apprehend and send such person or persons to the police officer of the district.

Heads of villages to apprehend and send to the police officer of the district any person suspected of committing the murder.

XIV. Curnums shall keep registers *(rescinded by Section* II, *Regulation* IX, 1828) of persons confined by the heads of villages under Section X of this Regulation, and these registers shall be transmitted monthly by the heads of villages to the police officers of their respective districts, to be forwarded to the magistrate.

Registers of persons confined by heads of villages to be kept by curnums;

and transmitted monthly to the police officer of the district.

XV. Village watchers by whatever local name distinguished, shall perform their customary police duties under the immediate authority of the heads of their respective villages; but they shall not be called upon to make compensation for losses by theft.

Village watchers to perform police duties.

Not to make compensation for losses by theft.

Village watchers to be appointed to villages where none exist.

XVI. In villages where the office of village watcher does not exist and where it appears that the duty cannot be discharged by any of the other village servants, village watchers shall be appointed by the magistrate; and shall as far as possible, be selected from the dhers, beders, and other casts best qualified for police duties.

From what classes of persons to be selected.

The office of village watcher to be hereditary.

XVII. First. The office of village watcher wherever it may be found to exist and wherever it may be hereafter created under the provisions of the preceding Section, shall be hereditary.

Death of village watchers to be reported to the police officer of the district; and the name of the successor to the office.

Second. Upon the death of any village watcher, the head of the village shall report the same to the police officer of his district, for the information of the magistrate; and also the name of the person who may have succeeded by inheritance to the office.

Allowances made to the village watchers appointed under Section XVI, to be hereditary.

XVIII. Village watchers appointed under Section XVI of this Regulation, shall be entitled to receive such allowances in land, grain, or money, as Government may allot for their maintenance, and the allowances thus made shall be hereditary in their families.

Village watchers to be deprived of office only by sentence of the magistrate or a superior authority.

XIX. First. No village watcher shall be deprived of his office, but by the sentence of the magistrate or of a superior judicial authority, and in such case the heir of the person so deprived of his office shall succeed to it.

The magistrate to appoint to the office of village watcher on failure of heirs.

Second. In failure of heirs on the death or dismissal of a village watcher, the magistrate shall appoint a person to the office.

XX. Village watchers shall be liable for neglect of duty, to be suspended from the office by the magistrate, for a period not exceeding six months.

Village watchers liable to be suspended for neglect of duty.

XXI. Village watchers shall apprehend persons whom they may discover committing any criminal act or breach of the peace, and carry them before the head of the village. They shall likewise apprehend and carry before the head of the village, all persons charged with committing offences or breaches of the peace, and shall require the prosecutor to accompany them.

Village watchers to apprehend and carry before the head of the village persons found or accused of committing offences.

XXII. Village watchers shall report to the curnum and the head of the village, all suspicious persons either residing in or passing through the village.

Village watchers to report suspicious persons to the curnum and head of the village.

XXIII. Village watchers shall likewise report to the curnum and head of the village, all information which they may obtain connected with the peace and good order of the village, and they shall in all things connected with their duty, obey such orders as they may receive from the heads of their respective villages.

Village watchers to give information of all that concerns the peace and good order of the village.

XXIV. Cutwals and their peons wherever it may be necessary to employ them, shall be subject to the authority of the tahsildars and heads of villages, and shall be directed by their orders in all police duties, in furnishing supplies for travellers, and in the maintenance of the peace.

Cutwals and their peons to be subject to the tahsildar and head of the village.

XXV. First, Tahsildars, or native collectors of districts by whatever name designated, shall ex-

Tahsildars, or native collectors of districts, to be ex-

officio heads of the police of their respective districts.

officio be heads of the police of their respective districts; they shall be charged with the maintenance of the peace, and they shall report to the magistrate all acts which they may do, and all material information which they may receive, connected with their police duties.

The revenue servants to perform police as well as revenue duties.

Second. The peshkars, gomashtas and peons who are or may be employed under tahsildars of districts, shall perform the duties of police as well as revenue duties, and they shall be considered officers of police as well as revenue servants.

Tahsildars to assist the village police.

XXVI. First. Tahsildars shall render all possible assistance to the village police on or for the apprehension of offenders.

Tahsildars to send peons to markets, &c.

Second. They shall also send peons to markets, fairs and other public meetings in their district, in order to preserve the peace.

How to proceed on information of heinous offences.

XXVII.* First. Upon a complaint being made to a †tahsildar of any murder, robbery, house-breaking, theft of a considerable amount or attended with aggravating circumstances, setting fire to a house or other buildings, counterfeiting the coin, or other heinous offence, he shall make such enquiries as may be necessary to ascertain whether any credit be due to the accusation, and if it shall appear to be worthy of credit, he shall immediately make every exertion to apprehend the person or persons who may be

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* *Vide Section* II, *Regulation* III, 1817.

† *Vide Section* III, *Regulation* IV, 1821.

accused, or to whom suspicion may attach, of having committed the offence.

What evidence to be taken in those cases by tahsildars.

Second. When the accused or suspected persons shall be brought before the tahsildar, he shall take down in writing in their presence, the depositions of the witnesses who may be present ; and if in the course of the enquiry it shall appear that there are other persons who may be able to give evidence material to the case, he shall summon such persons and take their depositions.

Tahsildars may receive confessions of prisoners.

Third. The tahsildar shall also receive the confession of the prisoner in any case in which the prisoner may make a free and voluntary confession, and cause the same to be reduced to writing and signed, or if the prisoner should be unable to write, marked by the prisoner in the presence of two or more respectable persons *(part omitted under Regulation* V, 1819.)

Tahsildars to forward their proceedings to the criminal judge.

Fourth. So soon as the tahsildar shall have finished the investigation, which shall be completed within forty-eight hours if possible, he shall forward his proceedings, with the prisoner and witnesses, to the criminal judge of the zillah, with a report *(rescinded by Section* II, *Regulation* IX, 1828.)

Note.—If a delay of more than forty-eight hours should occur, an explanation of the cause of such delay is to be stated at the bottom of the report.

The judge to certify on the back of the paper the receipt of the prisoner and documents.

Fifth. The criminal judge shall immediately on the receipt of such paper, certify on the back of it whether or not the prisoner and documents have been

received, and shall return it by the police peons to the tahsildar, and no other *communication shall be necessary.

Tahsildar how to proceed if a prisoner shall in his confession criminate another person.

XXVIII. If a prisoner should in his confession made before a †tahsildar criminate another person, the †tahsildar shall secure such person; and provided the accusation be corroborated by any persons who may appear or be brought by summons before the †tahsildar, he shall forward such accused person to the criminal judge, together with the witnesses and his proceedings in the case, as is directed in the preceding Section.

How the tahsildar is to proceed on persons charged with heinous offences being sent to him by heads of villages.

XXIX. Upon the arrival of persons charged with any heinous offence, who may have been apprehended and forwarded to the †tahsildar by heads of villages, the †tahsildar shall proceed as directed in the two foregoing Sections.

Officers of police or others maltreating a prisoner or witness, how punishable.

XXX. Any officer of police or other person maltreating a prisoner or witness for the purpose of obtaining information or confession, shall be subject to punishment by the magistrate according to the nature of the case; and should the offence be of an aggravated nature, the party offending shall be forwarded to the criminal judge, to be punished by him, or committed for trial before the court of circuit.

Tahsildars how to proceed in certain bailable cases.

XXXI. In cases of bailable offence or misdemeanor which shall not appear to require the immediate apprehension of the party accused, the

* *Vide Clause second, Section* VI, *Regulation* III, 1827.

† *Vide Section* III, *Regulation* IV, 1821.

*tahsildar shall summon him in writing and take his declaration, and if necessary the depositions of any witnesses to the truth of the charge; he shall then take security for the appearance of the party accused, together with the accuser and witnesses, on a stated day, before the magistrate, to whom he shall immediately report the case and transmit the depositions.

Bail not to be required in trivial cases. Exception.

XXXII. First. In trivial offences bail shall not be required, unless there is reason to believe that the party accused means to abscond.

Tahsildar to dismiss trivial complaints in certain cases.

Second. If the charge in such cases shall appear groundless, or if the parties shall agree in writing, the plaintiff to withdraw and the defendant to permit the withdrawing of the complaint, the writing being attested by two creditable witnesses, the *tahsildar shall dismiss the complaint without making any report thereof to the magistrate.

Tahsildars how to proceed on complaint of offences specified in Section X.

XXXIII. First. Where complaints of offences of a trivial nature, such as are specified in Section X of this Regulation, may be preferred to a tahsildar in the first instance, he shall enquire into the same, and if the offence be proved, he shall have authority to punish the offender by imposing on him a fine not exceeding †one rupee, or by confining him in the choultry for a time not exceeding twenty-four hours; or if he shall be of any of the lower casts of people, by putting him in the stocks for a time not exceeding six hours.

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* *Vide Section* III, *Regulation* IV, 1821.

† *Vide Clause first, Section* V, *Regulation* IV, 1821.

To forward monthly registers of punishments to the magistrate.

Second.* The tahsildars shall keep registers of punishments according to the form prescribed in Section XIV of this Regulation, to be forwarded monthly to the magistrate.

Tahsildars to communicate to each other information on subjects connected with the peace of their respective districts.

XXXIV. Tahsildars of districts shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's districts; and shall co-operate in all things for the apprehension of offenders and the general security of the country.

Police officers to pursue offenders into any district or zillah.

XXXV. First. Tahsildars and the officers acting under them shall have authority to pursue offenders into whatever district or zillah they may fly, and to require the officers of police in such district or zillah, and if necessary the inhabitants in general, to assist them in securing the offenders, and such police officers and inhabitants shall immediately afford the required assistance. Tahsildars and other police officers apprehending persons within a different zillah from that to which they belong, on a warrant from a magistrate or in consequence of a pursuit on a hue and cry raised against such persons, shall bring them before the magistrate of the zillah in which they may be apprehended, and report the cause of the seizure of such persons. If such persons shall be apprehended under a warrant issued by the magistrate of another zillah, and the magistrate of the zillah in which they may be apprehended shall be satisfied of the identity of such persons with those intended by the warrant, he shall affix

Magistrate how to proceed on the offenders being brought before him on a warrant.

* *Vide Clause fourth, Section* IV, *Regulation* IV, 1821.

his signature to such warrant, which shall be a sufficient authority for the police officers to convey the offenders from the zillah in which they may be apprehended to the magistrate in whose jurisdiction the offence may have been committed. But if the persons apprehended and brought before such magistrate shall appear not to be those intended by the warrant, he shall forthwith cause them to be released.

Magistrate how to proceed on offenders being brought before him without a warrant.

Second. If the parties shall be apprehended without a warrant, on information given to the police officers or on hue and cry, the magistrate within whose jurisdiction they may be apprehended shall investigate the case, and if he shall be satisfied that there is sufficient cause for bringing the parties before the magistrate in whose jurisdiction it may be alleged that they have committed offences, he shall forward them with a letter to such magistrate; but if the magistrate shall be satisfied that the alleged offence or offences have not been committed, or that there is no ground to suspect the persons apprehended to have been concerned in committing such offence or offences, he shall forthwith cause them to be discharged.

Tahsildars in all possible cases to proceed to the spot where a murdered body may be found.

XXXVI. The *tahsildar in all cases of murder within his district shall himself, if possible, proceed to the spot, examine the body, the place where it was first found, and all other circumstances that may be likely to lead to the discovery of the perpetrators of the crime.

Tahsildars how to

XXXVII. Where *tahsildars may have credible

* *Vide Section* III, *Regulation* IV, 1821.

proceed on receiving information of stolen property.

information of stolen property being concealed and there may be reason to apprehend that it will be made away with unless prompt measures be taken to secure it, they shall cause search to be made, and the property if found, to be secured and forwarded, with the offender, to the magistrate. If the place of concealment be a dwelling house, the search shall be made only between sun-rise and sun-set.

When there may be no tahsildar the magistrate empowered to intrust the same police authority to other revenue servants.

XXXVIII. In districts where, from the land rent being paid directly to the collector, there may be no tahsildars, the magistrate shall grant to the most respectable native revenue servant employed in the collection of the customs or other dues of Government, the same police authority as is vested in tahsildars.

No police officer to be established in certain zemindaries without the sanction of government.

Exception.

But in the ancient zemindaries whose revenues have always been under the exclusive management of the zemindars themselves, the magistrate shall not establish any police officer, except in such places as darogahs may have already been established, without the previous sanction of the Governor in Council.

Magistrates in certain cases to vest zemindars with police authority.

XXXIX. Magistrates are authorized to grant, upon their own responsibility, to zemindars who may be desirous of acting as heads of police and whom they may consider to be qualified for the office, sunnuds to act as such within the limits of their respective zemindaries only. The magistrate shall prescribe to the zemindars in their commissions, the whole or such part of the duties and authority vested by this Regulation in tahsildars, as they may deem proper.

Ameens of police to

XL.* In large towns where it may be found that

* *Vide Clause first, Section* II, *Regulation* IV, 1821.

the police duties cannot be conducted by the head inhabitant, the magistrate shall appoint a person to act as ameen of police, either immediately under his own orders or under the tahsildar of the district, and either with the police powers vested in heads of villages or with those vested in tahsildars by this Regulation, as may appear expedient.

be appointed in large towns.

XLI.* In towns where, from the resort of europeans, the employment of a native as ameen of police may be found insufficient, an assistant magistrate shall be stationed, and shall within his jurisdiction have the same police authority as is granted to the magistrate by this Regulation, or such part of it as may be deemed expedient by the magistrate.

Assistant collectors to be charged with police duties in certain towns.

XLII. No police officer shall entertain complaints of petty offences, unless such complaints shall be preferred within three months from the date of the act complained of. It shall be at the option of the parties however, to prefer complaints of such petty offences to the magistrate at any time, and if the delay shall be shewn to have been unavoidable, the magistrate shall have authority to receive and investigate such complaints.

Limitation of time for the admission by police officers of petty complaints.

Such complaints may be received by the magistrate at all times.

XLIII. All persons are authorized and directed to secure strangers or suspicious persons who may be found offering property for sale, or in pawn, at a price evidently below it's real value, or removing property under suspicious circumstances at an unseasonable hour of the night, and to bring them with the least possible delay before the police officer of

Persons tendering property for sale or pawn under suspicious circumstances, to be arrested.

* *Vide Regulation* IX, 1818.

the jurisdiction in which the offence may be committed.

XLIV and XLV. *Rescinded by Regulation* III, 1819.

Police officers not to take cognizance of cases of adultery and fornication.

XLVI. Tahsildars and other police officers acting under them, shall not take cognizance of cases of adultery or fornication.

Magistrates charged with the maintenance of the peace of their districts.

XLVII. The magistrates shall be charged with the maintenance of the peace within their respective zillahs, and whenever their establishments may be insufficient to resist banditti or other disturbers of the public peace, they shall apply for assistance to the nearest military station, as directed in Section X, Regulation III, 1810.

Police peons to be considered revenue servants as well as officers of police.

XLVIII. The police establishment which may be transferred to the collectors as magistrates, shall not be considered as distinct from the revenue establishments, but shall be equally employed in police and revenue duties, as occasion may require.

Manufacturers of fire arms to take out licenses from the magistrate.

Punishment on omission.

XLIX. The magistrate shall require all manufacturers of fire arms and offensive weapons, to take out licenses from their offices within a certain day, of which due notice shall be given; and any person who shall be found after that period manufacturing such weapons without license, shall be liable to be punished by the magistrate, by a fine not exceeding fifty rupees. But nothing in this Section shall be construed to prohibit the manufacture of arms, or the inhabitants from keeping them for their defence.

L. Magistrates shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's districts, and shall co-operate in all things for the apprehension of offenders and the general security of the country.

Magistrates to communicate to each other information on subjects connected with the peace of their zillahs.

LI. First. The magistrate, and under his orders the tahsildars and heads of villages, shall have authority to prevent the forcible occupation or seizure of lands or crops.

The magistrate and officers under him to prevent forcible occupation or seizure of lands or crops.

Second. When riotous assemblages are formed in consequence of disputes respecting the right of ploughing any waste or uncultivated lands which may not be in the possession or occupation of any person, the magistrate, and under his orders the tahsildars and heads of villages, shall have authority to determine who shall plough them for the present, in order that cultivation may not be impeded by the land being kept uncultivated while the trial which the parties may seek is depending. But in all the cases specified in this Section, the parties shall be at liberty to seek redress from any competent jurisdiction.

On riotous assemblages about ploughing lands not in the occupation of any one, to determine who shall plough them till the dispute be settled.

Third. The provisions of the two preceding Clauses shall be considered as equally applicable to the forcible occupation or diversion of water for cultivation.

The same provisions applicable to the forcible occupation or diversion of water for cultivation.

LII. The strays referred to in Section XII of this Regulation, of which the owners cannot be found, shall, after the expiration of three months, be sold

Strays how to be disposed of.

by public auction by order of the magistrate; and if within six months more, no person shall appear to claim the proceeds, the amount thereof, after deducting the expenses incurred, shall be carried to the credit of Government.

Magistrates to determine the rates of hire to be paid by travellers to palankeen bearers, &c.

LIII. Magistrates are authorized to determine the rates of hire to be paid in their respective districts by travellers, to palankeen bearers, coolies and boatmen, and for draught and carriage cattle; and the rates so determined shall be made public by a table authenticated by the signature of the magistrate, copies of which shall be kept by the police officers at the several stations in the district for reference. Provided however, that the resident inhabitants in their ordinary transactions shall not be bound to abide by the rates specified in the tables authenticated as aforesaid.

Proviso.

Magistrates may receive complaints of frauds committed in using false weights and measures.

LIV. Magistrates shall have authority to receive complaints regarding frauds committed in using false weights and measures, and in such cases shall proceed as directed in Section XXXII, Regulation IX, 1816.

No order to be issued to any police officer, except by the magistrate or his assistants.

LV. No order shall be issued to any police officer, excepting by the magistrate of the zillah, or his assistants.

Magistrate to correspond direct with Government when necessary.

LVI. The magistrates shall correspond direct with Government in matters of police, whenever they may deem it necessary.

A. D. 1816. REGULATION XII.

A REGULATION, for authorizing collectors to refer claims regarding lands or crops, the validity of which claims may depend on the determination of a disputed boundary; as also certain disputes respecting the occupying, cultivating and irrigating of land, to be tried and determined by village and district punchayets; and for prescribing the rules under which the trial of such disputes shall be conducted, and the decisions of the punchayets carried into execution.—Passed by the Right Honorable the Governor in Council of Fort St. George, on the 13th of September 1816.

Preamble.

THE mode of determining the validity of claims to disputed lands or crops prescribed in Section II, Regulation XXXII, 1802, being considered to be inconvenient to the parties, and the determining in the adawlut of the zillah of suits, respecting the occupying, cultivating and irrigating of land which may arise between proprietors, or renters and their ryots, in those districts where the land revenue is fixed either permanently, or for a term of years, being also regarded as liable to the same objections; and it being deemed expedient that further provision should be made for the investigation and determination of such claims, and that collectors should for that purpose be authorized to refer them for trial and decision to village and district punchayets;

The Governor in Council has passed the following rules, to be in force in the territories subject to the Presidency of Fort St. George.

Village and district punchayets authorized to determine suits referred to them by collectors.

II. Village and district punchayets are hereby authorized to hear and determine such suits as may be referred to them by the collectors of zillahs under this Regulation, through the village and district moonsifs.

Vakeels to be relatives, servants or dependants of their employers.

III. Plaintiffs and defendants shall be allowed to employ a relative, a servant or a dependant to act in their behalf in suits which may be brought before the collectors of zillahs under this Regulation, under the same provisions as are prescribed by Clauses second and third, Section XIV, Regulation VI, 1816, for suits before the district moonsifs.

In what cases persons may prefer their claims to the collectors.

IV. First. In cases of claims to lands or crops, in districts permanently settled or otherwise, the validity of which claims may depend on the determination of an uncertain and disputed boundary or land-mark, and also in cases of disputes respecting the occupying, cultivating and irrigating of land which may arise *between the proprietors, or renters and their ryots, in those districts only where the land revenue is *fixed, either permanently or for a term of years, persons having such claims may prefer them in person or by vakeel, to the collector of the zillah in which the lands may be situated.

What the plaint is to contain if for land.

Second. The plaint, if for land shall contain as accurate a description as can be obtained of the

* *Vide Section* XVIII, *Regulation* V, 1822.

land claimed, it's position, boundaries, extent and the value of it's estimated annual produce; also whether it be subject to the payment of rent or revenue, or whether it be exempt from any charge on these accounts; also the time when the cause of action arose, the name and residence of the person or persons complained against, and all material circumstances which may elucidate the transaction.

Third. If the plaint be for water, it shall with regard to the land to be watered, state the above particulars, and in addition thereto the custom of the village relative to the irrigation of the land in question.

What the plaint is to contain if for water.

V. First. The collector on receiving a complaint preferred under the preceding Section, shall issue a summons to the defendant, containing a short abstract of the complaint, and shall require the defendant to appear at the cutcherry of the collector, in person or by vakeel, on a day specified, to make answer to the complaint. The summons shall be attested by the seal of the collector and his official signature, or that of his assistant, and shall be served by a single peon of the collector's establishment.

Summons to the defendant to be issued.

Contents of the summons.

How to be attested and served.

Second. The collector's peon shall require the defendant to affix his signature to the summons in acknowledgment of it's having been duly served, and in the event of the defendant refusing to affix his signature thereto, the peon shall call upon some of the village officers or neighbours of the defendant to witness such refusal and to attest the endorsement of it, which he shall make on the summons

Peon how to proceed.

Refusal to acknowledge the summons how to be attested.

and shall return the same to the collector on or before the day fixed for such return.

How the collector is to proceed if a defendant is not to be found or refuse to acknowledge the summons.

Third. If a defendant against whom a summons may issue shall abscond, or is not after diligent search to be found, or shall shut himself up in his own, or in any house or building, or retire to any place, so that the process cannot be served upon him, and the peon shall return that on such account he has not been able to serve or execute the process, or if he shall refuse to acknowledge the service of the summons, on return being made in the mode prescribed in the preceding Clause, the collector shall cause a writing in the language of the district, to be stuck up in some conspicuous part of his cutcherry, containing a copy of the summons and a notice that if the party shall not appear on a day to be specified (which shall not be less than fifteen days from the time that the notice may be fixed up), the collector will proceed without further notice to refer the cause with the consent of the plaintiff, to be tried and determined by a punchayet of the district, in which the disputed lands may be situated, without the appearance or answer of the defendant.

Notice to be affixed, containing what.

Where the notice is to be affixed.

The collector shall likewise order a copy of the summons and notice to be fixed up with all practicable despatch on the outer door of the house in which the defendant may have usually dwelt, or in some conspicuous place in the village, or other place in which he may have generally resided. The peon serving the summons shall return the order with an endorsement, stating at what times and places the summons may have been fixed up.

Return how to be made.

Collector how to

Fourth. If the defendant shall appear by the

time limited in the notice, the collector shall proceed to investigate the cause of his absence, or the circumstance of his refusal to sign the summons, and if it shall appear to the satisfaction of the collector, that the conduct of the defendant has been contemptuous, he is empowered to punish such contempt by imposing a fine on the defendant, according to the circumstances of the case, not exceeding ten arcot rupees, and if such fine be not immediately paid or security given for the payment within a reasonable time, the collector shall punish such defendant by committing him to the zillah jail or by keeping him in custody in the cutcherry or village choultry for a period not in any case exceeding fifteen days or until the fine shall be paid.

proceed if the defendant appear.

Defendant liable to fine for contempt.

Collector how to proceed if such fine be not paid or security given.

Fifth. On the appearance of the defendant, if he shall appear according to the first summons or by the time limited in the notice, the collector shall cause the plaint to be read over to the defendant in presence of the plaintiff, and shall demand whether he admit, or deny the truth of the complaint. If the defendant shall acquiesce in the truth of the complaint, the collector shall record such acquiescence at the foot of the plaint and require the defendant to attest the same with his signature in the presence of witnesses, not being servants of the collector's establishment, who shall also attest the same, and the document shall be countersigned by the collector, who shall return the document to the complainant, together with an order to the tahsildar or principal native revenue officer of the district or village moonsif, to transfer the lands described in the plaint to the plaintiff, or if the plaint include crops grown on such lands, to cause the

Plaint to be read to the defendant in presence of the plaintiff.

Collector how to proceed on acquiescence in the truth of the plaint.

crops or the value of them to be restored to the plaintiff by the defendant, or if the plaint be for water, to order the water to be distributed as required in the plaint, and no other proceedings shall be necessary in the cause.

Collector how to proceed on the defendant denying the truth of the plaint.

Sixth. If the defendant shall deny the truth of the plaint, the collector shall enquire of the parties whether they mutually consent to have the cause investigated and decided by a village punchayet, and upon their agreeing in writing to have the matter investigated and decided by the punchayet of any particular village, the collector shall immediately forward the petition or plaint with an order to the moonsif of that village to assemble a punchayet without delay, to investigate and determine the suit.

Under what circumstances a village punchayet to be assembled.

Matter may be referred to a district punchayet at the request of either party.

Seventh. If either the plaintiff or defendant shall object to the reference of the cause to be tried and determined by a village punchayet, and either of them shall desire in writing that it may be referred to be tried and decided by a district punchayet, the collector, whether the other party agree to such reference or not, shall forward the plaint to the moonsif of the district in which the disputed property may be situated, with an order to assemble a punchayet within fifteen days from the receipt of such order, to investigate and determine the suit.

If neither party agree to the reference, the suit to be dismissed.

Eighth. If neither of the parties shall agree to the reference of the suit to a district punchayet, the suit shall be dismissed, and the parties shall be at liberty to seek redress from the zillah court or any competent jurisdiction.

VI. First. The punchayets shall be assembled according to the rules prescribed for assembling village and district punchayets, and their proceedings, in cases referred under this Regulation, shall be conducted according to the general rules enacted in Regulations V and VII, 1816, for their guidance, with the following qualifications.

Punchayets how to be assembled and their proceedings how conducted.

Second. When only one of the parties shall appear before the district moonsif, the punchayet shall be formed upon the challenge of such party only, and shall proceed to try the suit without requiring the agreement specified in Clause second, Section IV, Regulation VII, 1816.

On the appearance of only one party the punchayet to be formed on the challenge of such party; the agreement referred to not required.

Third. When the decree has been framed and two copies of it prepared, it shall be read in the presence of the parties, and the two copies shall be sealed up in a packet and delivered to the moonsif, who shall forward it to the collector sealed as he received it.

Two copies of the decree duly attested, to be forwarded to the collector through the moonsif.

Fourth. Decrees of the village and district punchayets in suits which may be referred to them by the collectors under this Regulation, shall not be carried into execution until confirmed by the collector, nor shall they be set aside for any other cause than gross partiality on the part of the punchayet.

Decrees in suits referred by collectors under this Regulation not to be executed until confirmed by the collector.
Decrees in what cases to be set aside.

VII. The collector shall detain the packet in the state in which he received it, for twenty days, and if in that time no charge of gross partiality shall be preferred by either party against the punchayet, he shall open the packet and confirm the decision, by affixing his seal and signature to each of the two

What forms to be observed by the collector on receiving the packet.

copies, and he shall return them to the moonsif from whom he received them.

When the decree is to be delivered to the parties.

VIII. First. The moonsif, on receiving the copies of the decree confirmed by the collector, shall summon the parties and deliver to each of them a copy of the decree.

Non-appearance or refusal to receive a copy, to be endorsed on it.

Second. If either the plaintiff or defendant shall fail to appear in person or by vakeel to receive a copy of the decree, or having attended shall refuse to receive a copy, the moonsif shall cause to be endorsed on the copy intended for such party, such omission or refusal and the date. The moonsif shall attest the same with his signature, which shall be witnessed by any two credible witnesses. The copy so endorsed shall be deposited in the records of the district moonsif or the village curnum as the case may be, to be delivered to the party afterwards claiming it.

Collector how to proceed on a charge of partiality being preferred to him;

and proved to his satisfaction.

IX. First. If either of the parties shall, within the prescribed period of twenty days, charge the punchayet with gross partiality, and if the partiality charged against the punchayet shall be established to the satisfaction of the collector, by the oaths of two credible witnesses at the least, he shall in every case, whatever the amount or value of the suit may be, submit his proceedings, with his opinion on the case, to the provincial court of appeal; who, provided the charge be proved by such proceedings to their satisfaction, shall annul the decision, and the parties shall be at liberty to have recourse to another punchayet or to any other competent jurisdiction.

Second. Provided however, that where the decision of a second punchayet shall agree with the decision of a former punchayet in the same suit, it shall be final.

Decision of a second punchayet in the same suit to be final if it agree with a former decision.

Third. If the partiality charged against the punchayet shall not be proved to the satisfaction of the collector, he shall confirm the decree as prescribed in Section VII of this Regulation, and shall levy a fine from the party making such groundless charge not exceeding one hundred arcot rupees.

Collector how to proceed on the partiality not being proved.

May levy a fine.

X. Decrees of village and district punchayets in cases referred to them under this Regulation, shall be carried into execution on the written application of the party in whose favor the decree may be given, by the collector, or by the tahsildar or principal native revenue officer of the district, by causing the boundary, when the suit relates to a disputed boundary, to be marked out in the presence of the village moonsif and curnum and two or more of the principal inhabitants; and in all other cases, by causing the land to be given up or the water to be distributed, as prescribed by the decree.

Decrees how to be executed.

XI. Suits instituted before the collectors under this Regulation, shall be exempt from all stamp duties and shall be liable only to such charges as are specified in Regulation V, 1816, if decided by a village punchayet, or to such charges as are specified in Regulation VII, 1816, if decided by a district punchayet.

Suits under this Regulation exempt from stamp duties.

Charges to which they are liable.

XII. The village and district moonsifs shall in-

Decisions to be in-

cluded in the monthly reports of village and district moonsifs.

clude in their monthly reports all decisions of punchayets in suits referred to them under this Regulation.

Copy of this Regulation to be lodged with the village curnum.

XIII. A copy of this Regulation shall be lodged with and preserved by each village curnum for the information of the village moonsifs.

A. D. 1816. REGULATION XIII.*

A REGULATION, for modifying and amending the rules before enacted regarding stampt paper and stampt cadjans; and for consolidating the fees payable on the institution of suits, and on exhibits and summonses for witnesses, with the duty levied by means of stamps.—Passed by the Right Honorable the Governor in Council of Fort St. George, on the 26th of October 1816.

Preamble.

THE rules prescribed by the existing Regulations for computing and realizing the fees on the institution of suits on exhibits, and on summonses for witnesses, have occasioned inconvenience, by occupying the time of the courts of judicature to the hindrance of their more important duties, and it has appeared that the convenience both of the Government, and of the community at large, would be promoted by consolidating these fees with the duty already levied by means of stamps on the pleadings, and further by

* *Vide Regulation* II, 1817.

modifying the existing rules for raising a revenue by means of stamps. The Governor in Council has therefore been pleased to enact the following rules to be in force throughout the territories immediately dependent upon the Presidency of Fort St. George, from and after the *first day of February 1817.

II. Regulations IV, V, VIII† and XVII of 1808, Section XXXV, Regulation VII of 1809, and Regulation II,† 1813, and generally all rules respecting the duties levied by means of stampt paper and stampt cadjans and regarding the fees to be paid on the institution of suits, on exhibits and on summonses for witnesses, shall be rescinded from and after the first day of February 1817.

Regulations rescinded.

III. First. A general stamp office shall be established at, or near the presidency, under the superintendence of a civil covenanted servant of the Honorable Company, to be designated the superintendent of stamps, and all paper or other material intended for any of the purposes hereinafter mentioned, shall be stampt at his office, and counterstampt at the general treasury of Government.

A general stamp office to be established at or near the presidency under a covenanted servant, who shall be designated the superintendent of stamps.

Second. The superintendent of stamps shall be subordinate to the board of revenue, and previously to entering upon the execution of the duties of his office, shall take and subscribe the oath prescribed in the appendix (form No. 1) of this Regulation before one of the members of that board.

The superintendent of stamps to be subordinate to the board of revenue and to take an oath as prescribed in the appendix No. 1.

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* *Vide Regulation* II, 1817.

† *Vide Section* III, *Regulation* VI, 1817.

He shall prepare and transmit stamps to the different officers.

Third. The superintendent shall prepare and transmit to the different officers entrusted with the disposal of stamps, the quantities which they may require for use in their respective districts.

What account of stamps to be kept by him.

Fourth. The superintendent shall keep an account of the quantity and value of stamps prepared by him, of the issue of stamps, of the sums brought to credit in the several districts, and of the quantity of stamps remaining in store, and he shall prepare and submit to the board of revenue such periodical reports and statements as they may require.

The superintendent to proceed in person to any district, in which he or the board of revenue may consider his presence necessary for the detection of forgeries or other abuses.

Fifth. It shall be the duty of the superintendent of stamps to proceed in person to any district in which he, or the board of revenue, may at any time conceive that his presence is necessary, with the view of detecting forgeries, or other abuses, or irregularities, committed in the sale of stamps.

No stamp to be valid or issued from the stamp office, until it shall have received the prescribed counter-stamp at the general treasury.

IV. First. No stamp shall be valid or be issued from the stamp office, until the paper, parchment, cadjan leaf, or other material on which the stamp has been impressed, shall have received the prescribed counter-stamp at the general treasury.

The sub treasurer to keep an account of the stamps which may be counter-stamped by him, and to transmit it to the board of revenue at the close of each official year.

Second. The sub-treasurer shall keep an account of the quantity and value of the stamps, which may be counter-stamped by him, which account shall be transmitted to the board of revenue, at the close of each official year, in order that it may be compared with the accounts of the superintendent.

Only one set of stamps applicable to every purpose for

V. First. One set of stamps applicable to every purpose, for which stamps are required by this Re-

gulation, shall hereafter be used in the general stamp office, bearing inscriptions in the English, Persian, Tamul and Teloogoo characters, as follows :—

which stamps are required by the present Regulation to be used.

Inscriptions thereon.

Two annas,
Four annas,
Eight annas,
One rupee,
Two rupees,
Four rupees,
Eight rupees,
Sixteen rupees,
Thirty-two rupees,
Fifty rupees,
One hundred rupees,
One hundred and fifty rupees,
Two hundred and fifty rupees,
Three hundred and fifty rupees,
Five hundred rupees,
Seven hundred and fifty rupees,
One thousand rupees,
Two thousand rupees.

Second. The above stamps shall, in ordinary cases, be impressed on paper of the manufacture of the territories dependent upon the presidency of Fort St. George, and it shall be the duty of the board of revenue to regulate the sizes of such paper, in such manner as may be best adapted to the convenience of the community without injury to the public revenue, according to the true intent and meaning of the rules contained in the present Regulation; provided however, that paper of european manufacture, bearing a stamp of the value hereinafter specified, shall be used for the copies of the proceedings and judgments of the court of sudder udalut,

In ordinary cases the stamps, to be impressed on paper of the manufacture of the Madras provinces; and the board of revenue to regulate the sizes of the paper.

Copies of the proceedings and judgments of the sudder udalut, in appeal to the Governor General in Council, to be on paper of european manufacture

bearing a stamp of the value prescribed in the present Regulation, as also copies of decrees in certain cases.

which may be appealed to the Governor General in Council; as also for all copies of decrees in regular or summary suits which may be furnished to the parties by the sudder ameens, by the judges, assistant judges, or registers of the zillah courts, by the provincial courts and by the sudder udalut: provided also, that the superintendent shall always keep in deposit a sufficient supply of the cadjan leaf duly stampt, for the use of those districts in which that material is ordinarily employed for the execution of certain instruments, instead of paper; provided likewise, that if any person shall be desirous of having any instrument executed on vellum, parchment, or any other material, instead of paper, or cadjan leaf, he shall be entitled to have the same stampt, supposing it to correspond nearly with the regulated size of stampt paper, on paying the established duty: bonds, deeds of conveyance, and other instruments executed on any material of the above description, if duly stampt; shall accordingly be receivable in evidence in the courts of judicature, in the same manner as if such instruments had been executed on common paper according to the ordinary practice of the stamp office.

Cadjan leaf to be used in certain districts.

Persons desirous of having instruments executed on vellum, parchment or other material, entitled to have the same stampt on paying the established duty.

Bonds, deeds and other instruments executed on such materials, if duly stampt, will be received in evidence in the courts of judicature.

The superintendent's signature not necessary for stampt paper or other material, but all cadjans before being issued shall be signed by a native register.

VI. It shall not be necessary for stampt paper or other material to bear the written official signature of the superintendent of stamps, or other authorized officer under him; but stampt cadjans, previously to being issued from the stamp office, shall be signed by a native register to be appointed for this purpose by the superintendent.

Dies to be prepared at the mint at Madras.

VII. It shall be the duty of the mint master at Madras, to cause the dies to be engraved at the mint,

on the application of the board of revenue, and in conformity to such suggestions as they may offer.

VIII. The size or shape of the dies shall be changed as often as the board of revenue may deem necessary, with the view of detecting or preventing forgeries; provided, however, that nothing herein contained, shall be construed to authorize that board to alter the prescribed impression of the dies.

Size and shape of the dies may be changed as often as the board of revenue may deem it necessary.

Prescribed impression not to be altered.

IX. *Rescinded by Section* II, *Regulation* II, 1825.

X. First. An office for the sale and distribution of stamps shall be established in each district, under the superintendence and responsibility of the collectors of the land revenue, who shall receive a commission of five per cent on the gross produce, derived from the sale and distribution of stamps in such district.

An office for the sale and distribution of stamps to be established in each district under the superintendence of the collector of land revenue, who shall be allowed a commission.

Second. The collectors shall indent upon, and grant receipts in duplicate to the superintendent of the general stamp office, for such quantities of stamps as may be required by them for the supply of their respective districts.

The collectors to indent upon the superintendent of the general stamp office for such quantity of stamps as they may require.

Third. It shall be the duty of the collectors, and their assistants, or other european officers authorized to dispose of stampt paper, previously to issuing such paper to their native agents for sale, or to disposing of it themselves, to endorse their official signatures in writing upon each paper; and the courts of judicature shall not admit or file any stampt paper, unless it be authenticated in the manner herein provided.

All stampt papers previous to being issued by the collectors to be endorsed with their official signature, and no stampt papers unless so endorsed, to be admitted in any court of judicature.

A darogah of stamps to be appointed at each collector's station, who shall be paid either by salary or commission.

Fourth. A darogah of stamps shall be appointed at each of the stations of the collectors and assistant collectors, who shall be paid by commission, or by salary, or partly by commission and salary, as the board of revenue, with the sanction of Government, may deem most advisable.

Duty of the darogah of stamps.

Fifth. It shall be the duty of the darogah of stamps to count and examine the stamps received from the stamp office, and to countersign the receipts granted by the collector.

Licensed venders of stamps to be established in certain places, who shall be paid by salary or commission;

and to be at all times adequately supplied with the requisite quantities.

Sixth. Licensed venders of stamps shall be established in every pergunnah, or at such places as the board of revenue may determine, who shall be paid by salary or commission, or partly by salary and commission, as that board may, with the sanction of Government, direct. It shall be the duty of the collectors to cause those officers to be at all times adequately supplied with the requisite quantities of each sort of stamps. In like manner, it shall be the duty of the board of revenue at all times to satisfy themselves, that no obstacles occur to the mercantile business, or other pecuniary transactions of the country, from any delay or difficulty in procuring the stamps required for the conduct of the affairs of individuals.

Stamp darogahs and persons authorized to retail stamps to execute certain engagements and to receive certain sunnuds.

Seventh. Every stamp darogah and every person authorized to retail stamps, shall give security to the collector for the due performance of an engagement to be executed by him, agreeably to the forms prescribed in the appendix, Nos. 2 and 3, and shall receive a sunnud prepared agreeably to the forms Nos. 4 and 5.

Eighth. The stamp darogah shall keep an account of the quantity and value of stamps supplied by him to the different venders, and every vender shall keep a day book, exhibiting the stamps sold by him, which day book shall be transmitted to the zillah stamp office at the end of each month, and every vender shall, on receiving a supply of stampt paper or cadjan for sale from the stamp darogah, grant a receipt for it; he shall at the same time carefully examine the stampt paper or cadjan entrusted to his charge, to satisfy himself that it bears the Government stamp, which he must certify in the receipt granted to the stamp darogah.

What accounts to be kept by the stamp darogahs.

Ninth. The collectors shall transmit to the general stamp office, such accounts as the superintendent may be authorized by the board of revenue to require.

The collector to transmit to the general stamp office, such accounts as the superintendent may require.

Tenth. No person, excepting the superintendent of stamps, the collectors of the land revenue, or other european officers invested with the charge of the office for the sale and distribution of stamps, and the authorized native venders, shall be deemed competent to sell stamps; and any other person, who may sell stamps in opposition to this prohibition, shall be liable to be prosecuted for such act before the criminal judge, and punished on conviction, to the full extent of the powers vested in the criminal judges by the Regulations.

No person to sell stamps excepting those authorized by the present Regulation, under pain of prosecution and punishment.

XI.* From and after the date specified in the preamble to this Regulation, every bond, promissory

What instruments are to be written on stampt paper and

* *Vide Section* IV, *Regulation* II, 1825.

how the value is to be regulated.

note, bill of exchange, letter of credit, or other obligation for the payment of money, every receipt, or acquittance, whereby any sum of money or demand shall be acknowledged to have been paid, received, liquidated, discharged, accounted for, or in any manner satisfied, every deed of gift, sale, devise, or other transfer of property, real or personal, every lease, deed of mortgage, or other limited assignment of land, every deed of contract, marriage settlement, partnership, agreement, security, or engagement or a sum of money, or for property exceeding the value of sixteen rupees, which may be executed within the provinces subject to the presidency of Fort St. George, shall be written on paper (or some other material) impressed with the government stamp, the value of which stamp shall be regulated as follows:

TABLE.

1. If the bond or other instrument shall be for a sum exceeding sixteen arcot rupees, or if the value of the property transferred or otherwise affected by it shall exceed sixteen rupees and not exceed 64 *rupees, the deed shall be executed on stampt paper of the value of two annas.

2. If above 64 rupees and not exceeding 125 rupees—four annas.

3. If above 125 rupees and not exceeding 250 rupees—eight annas.

4. If above 250 rupees and not exceeding 500 rupees—one rupee.

5. If above 500 rupees and not exceeding 1,000 rupees—two rupees.

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* *Vide Section* IV, *Regulation* II, 1825.

6. If above 1,000 rupees and not exceeding 2,000 rupees—four rupees.

7. If above 2,000 rupees and not exceeding 5,000 rupees—eight rupees.

8. If above 5,000 rupees and not exceeding 10,000 rupees—sixteen rupees.

9. If above 10,000 rupees and not exceeding 20,000 rupees—thirty-two rupees.

10. If above 20,000 rupees and not exceeding 50,000 rupees—fifty rupees.

11. If above 50,000 rupees and not exceeding 100,000 rupees—one hundred rupees.

12. If above 100,000 rupees—one hundred and fifty rupees.

All pottahs, caboolyets, or other instruments relative to lands held exempt from the payment of revenue to Government, to be written on stampt paper.

XII. First.* To prevent misconstruction, it is hereby declared, that every lease and it's counterpart (pottah and caboolyet) or other engagement contracted between landlord and tenant, and every receipt or other acknowledgment for the payment of rent, exceeding sixteen rupees, is required to be written on paper or other material bearing the prescribed stamp, supposing that such lease, receipt, or other instrument, relate to lands held exempt from the payment of revenue to Government, but that instruments of the correspondent descriptions, which have relation to lands subject to the payment of revenue to Government, need not be written on stamps.

Rules regarding the stampt papers on which copies of cer-

Second. All authenticated copies of the documents specified in the preceding Section which may

* *Vide Clause second, Section* IX, *Regulation* I, 1820; *and Regulation* II, 1825.

tain documents are required to be written.

be prepared as legal vouchers by a cazee, mooftee, or other authorized person, shall be written on stampt paper, or cadjan, according to the rates prescribed for the originals of such deeds: any copies not written on such paper or cadjan, will not be admissible in evidence under Section IX of this Regulation.

Security bonds and other deeds not relating to any specific sum of money or any specific value, are to be written on stampt paper of the value of one rupee.

Third. Security bonds for appearance (hazer zaminee), security bonds for the payment of eventual costs of suit, as well as all other security bonds not being for a specific amount, and all deeds of contract, partnership, or agreement, and engagements of whatever nature, which may not relate to a specific sum of money or to a specific value, so as to make it practicable to apply to them the table of rates stated in the preceding Section, are required to be written on stampt paper or stampt cadjan of the value of one rupee, under the penalty declared in Section IX of this Regulation.

Stamp duties to be levied in lieu of fees hitherto paid on the institution of civil actions on summonses and on exhibits.

XIII.* From and after the date specified in the preamble to this Regulation, the fees hitherto paid on the institution of civil actions on summonses, and on exhibits, shall be discontinued, and the following stamp duties shall be levied in lieu thereof.

TABLE.

1. In original regular suits instituted in any court of judicature, and in appeals regular or special, preferred from the judgments of any such court to a superior court, if the amount or value of the pro-

* *Vide Section* VII, *Regulation* VII, 1818.

perty claimed shall not exceed sixteen arcot rupees, the plaint or petition shall be written on paper of one rupee.

2. If above 16 rupees and not exceeding 32 rupees—two rupees.

3. If above 32 rupees and not exceeding 64 rupees—four rupees.

4. If above 64 rupees and not exceeding 150 rupees—eight rupees.

5. If above 150 rupees and not exceeding 300 rupees—sixteen rupees.

6. If above 300 rupees and not exceeding 800 rupees—thirty-two rupees.

7. If above 800 rupees and not exceeding 1,600 rupees—fifty rupees.

8. If above 1,600 rupees and not exceeding 3,000 rupees—one hundred rupees.

9. If above 3,000 rupees and not exceeding 5,000 rupees—one hundred and fifty rupees.

10. If above 5,000 rupees and not exceeding 10,000 rupees—two hundred and fifty rupees.

11. If above 10,000 rupees and not exceeding 15,000 rupees—three hundred and fifty rupees.

12. If above 15,000 rupees and not exceeding 25,000 rupees—five hundred rupees.

13. If above 25,000 rupees and not exceeding 50,000 rupees—seven hundred and fifty rupees.

14. If above 50,000 rupees and not exceeding 100,000 rupees—one thousand rupees.

15. If above 100,000 rupees—two thousand rupees.

The value of the property how to be assumed in suits for land paying revenue to Government;

XIV. First. In suits for land paying revenue to Government, the value of the property shall be assumed at the amount of the annual produce of the

land, to be estimated according to the rule prescribed in Section III, Regulation III, 1802.

In suits for land exempt from the payment of revenue to Government.

Second. In suits for land held exempt from the payment of the public revenue to Government, the value of the property shall be assumed at ten times the amount of the annual produce of the land, to be estimated as directed in Section III, Regulation III, 1802.

In suits for houses, gardens or other property, real or personal, and in actions for the recovery of damages.

Third. In suits for houses, gardens, tanks, or other property, real or personal, excepting the two descriptions of lands mentioned in the two preceding Clauses, and in actions for the recovery of damages in matters relating to marriage, cast, or any personal injury, the value shall be estimated according to the rule contained in Section III, Regulation III, 1802.

Registers, sudder ameens and district moonsifs entitled to receive the fees incorporated with the stamp duties under Section XIII of the present Regulation.

XV. It is not intended by the provisions of this Regulation to deprive the registers of the zillah courts, the sudder ameens, or the district moonsifs of the established proportion of the fees hitherto received on suits which may be instituted in the zillah courts, and referred to them for decision. But as those fees are now incorporated, under Section XIII of the present Regulation, with the stamp duty payable on the plaint or petition, it shall be the duty of the zillah judges to cause accounts of the proportion of the fees receivable by the registers, sudder ameens and district moonsifs under the existing rules, to be prepared at the expiration of every month, and to attest the same with their seals and official signature. The account so authenticated, shall be deemed a sufficient warrant to the

collectors for the payment of the amount receivable on the above account by the registers, sudder ameens and district moonsifs.

XVI. First. No exhibit in any original regular suit, or in any appeal regular or special, shall be filed in any court of judicature, without an application praying the admission of the exhibit, which application shall be written on stampt paper, as follows :

No exhibit to be filed without an application praying it's admission, written on stamp paper of a prescribed value.

In the court of the sudder ameen, on paper of the value of four annas.

In the court of the register, on paper of the value of eight annas.

In the zillah courts, on paper of the value of one rupee.

In the provincial courts of appeal and in the sudder udalut, on paper of the value of two rupees.

Second. Vakalutnamahs and mokhtarnamahs, arbitration bonds, security bonds for appearance, as well as security bonds for the eventual payment of costs, or for the performance of a decree, or for staying or enforcing the execution of a decree which may be executed in any original suit or appeal, shall not be liable to the stamp duty on exhibits.

Vakalutnamahs and certain other documents declared to be not liable to stamp duties on exhibits.

XVII. In like manner no summons shall be issued for the attendance of any witness in any original regular suit, or in any appeal regular or special, without an application praying the attendance of such person, which application shall be written on stampt paper of the value specified in the preceding Section, according to the court in which it may be delivered and recorded.

No summons to be issued for the attendance of a witness without an application written on stampt paper of the value specified in the preceding Section.

A separate application for each exhibit or attendance of each witness not required, but one or more applications or lists including any number of exhibits and the names of any number of witnesses. Proviso.

XVIII. In lieu of filing a separate application for the admission of each exhibit and the attendance of each witness, it shall be sufficient to file one or more applications or lists including any number of exhibits desired to be filed, and the names of any number of witnesses desired to be summoned; provided that such applications or lists be written on one, two, or more sheets or rolls of stampt paper, the total value of which shall correspond in amount with that of the stampt paper which would have been requisite had the application for each exhibit or witness been written on separate stampt paper, under the rules contained in Sections XVI and XVII of this Regulation.

Every answer, reply and rejoinder, &c. which may be filed in any suit, to be written on stampt paper of a specified value.

XIX. Every answer, reply and rejoinder, every supplement, razeenamah, or petition which shall hereafter be filed in any original regular suit, or in any appeal regular or special, shall be written on stampt paper, as follows:

In the court of the sudder ameen, on paper of the value of four annas.

In the court of the register, on paper of the value of eight annas.

In the zillah courts, on paper of the value of one rupee.

In the provincial courts of appeal and in the sudder udalut, on paper of the value of four rupees.

In all original summary suits and appeals, the plaint, petition, answer and other proceedings, and all miscellaneous petitions and applications of a certain description in the revenue and

XX. In all original summary suits and summary appeals authorized by the Regulations, the plaint, petition or application, the answer and other pleadings; all miscellaneous petitions and applications which may be presented to the different authorities in the judicial department and to the

board* of revenue; all mokhtarnamahs and vakalutnamahs, shall be written on stampt paper as follows:

judicial departments, to be written on stampt paper of a specified value.

If preferred to a sudder ameen, on paper of four annas.

If preferred to a zillah or criminal† judge, or to a register or assistant to a criminal† judge, on paper of eight annas.

If preferred to a provincial court of appeal or circuit,† on paper of one rupee.

If preferred to the court of sudder or foujdaree† udalut, or to the board* of revenue, on paper of two rupees.

XXI. All applications made by the collectors, or the assistant collectors, or by the board of revenue, to the courts of judicature, for the apprehension or confinement of defaulters, or on any other subject relating to the public revenue, may be written upon common paper without a stamp. This rule, however, shall not be considered applicable to any regular suit in which the board of revenue, a collector, or an assistant collector, may be a party, either on their own account as individuals, or on the part of Government.

All applications made by the collectors or board of revenue to the courts of judicature on subjects regarding the public revenue, may be written on common paper. Proviso.

XXII. First. No copy of any paper shall be authenticated by any public officer or received as evidence in any court of judicature, unless transcribed on stampt paper, according to the following rates, viz.

No copy of any paper to be authenticated by any public officer or received as evidence, unless transcribed on stampt paper, according to the rates specified in this Section.

Copies of decrees passed by the sudder ameens,

* *Vide Section* V, *Regulation* II, 1825.

† *Vide Section* IX, *Regulation* II, 1822.

shall be written on paper of the value of eight annas.

Copies of decrees passed by registers and by judges of the zillah courts, shall be written on paper of the value of one rupee.

Copies of decrees passed by the provincial courts of appeal, shall be written on paper of the value of two rupees.

Copies of decrees passed by the court of sudder udalut, shall be written on paper of the value of four rupees.

Copies of the proceedings of the court of sudder udalut prepared in order to be transmitted to the Governor *General in Council, shall be transcribed on paper of the value of two rupees.

Authenticated copies of revenue and judicial proceedings, authenticated copies of accounts, statements, reports, or other documents which individuals may require for use or reference, shall be written on paper of the value of eight annas.

Copies of decrees kept as records of the courts to be written on unstampt paper of european manufacture, of same size and description as that mentioned in the preceding Clause.

Second. Copies of decrees which may be prepared by the courts abovementioned, to remain with their own records, shall be written on unstampt paper of european manufacture, of the same size and description as that which may be stampt for the copies of decrees to be delivered to the parties.

Copies of decrees, &c. made for records of the courts or for transmission to other courts, may be written as heretofore on unstampt paper.

Third. Copies of proceedings and orders, accounts, statements or other papers made for records of court, or for transmission to other courts or public offices, may be written as heretofore on unstampt

* *Vide Section* II, *Regulation* VIII, 1818.

paper, except in cases in which it may be otherwise specifically provided for by the Regulations.

XXIII. First. All pleadings, petitions and applications, all deeds, documents and other papers, whether originals or copies, which are required by the Regulations to be written on stampt paper, are to be written in a fair, legible manner, and as they have been hitherto usually prepared, as well with regard to the size of the writing, the space between the words, and the number of lines in each page, as to all other matters regarding their engrossment.

Pleadings and other documents on stampt paper how to be written.

Second. If the subject matter of any plaint, or petition of appeal cannot, under the rule contained in the preceding Clause, be conveniently comprised in a single sheet or roll of the stampt paper prescribed for such plaint, or petition of appeal, any additional sheets or rolls which may be required for that purpose, shall be of the description of stampt paper specified in Section XIX of this Regulation. In like manner, if the subject matter of any answer, reply, rejoinder, or other pleading, cannot be comprised in a single sheet or roll of the stampt paper prescribed for such pleading, any additional sheets or rolls which may be required for that purpose, shall be of the description of the stampt paper specified in Section XIX of this Regulation.

Rules to be adopted when the whole of the subject matter of a plaint, or other pleading, cannot be contained in a single sheet of paper.

Third. If a party or vakeel, or other person shall hereafter file in a zillah court, in a provincial court, or in the sudder udalut, any plaint or pleading required to be written on stampt paper, which may not have been prepared in conformity with the foregoing provisions of this Section, the court is autho-

Fine to be imposed on a breach of the preceding rule.

rized to impose on such party, vakeel or other person, any fine which they may deem proper, provided that such fine shall in no instance exceed three times the amount or value of the additional stampt paper, which would have been required had the plaint or pleading been drawn up in conformity with the foregoing provisions.

Similar provisions with reference to miscellaneous petitions or applications.

Fourth. If the subject matter of any miscellaneous petition or application, or of other papers specified in Section XX of this Regulation cannot, under the rule contained in Clause first of this Section, be conveniently comprised in a single sheet or roll of the prescribed stampt paper, any additional sheets or rolls which may be required for that purpose, shall be of the value and description specified in the said Section of the Regulation in question; and if any such petition or paper which may not have been prepared in conformity with the foregoing rule, and with the rules contained in Clause first of this Section, shall be hereafter presented to any of the courts or officers specified in Section XX of this Regulation, such court or officer is hereby authorized to impose a fine on the party or person presenting it, under the same limitations as are prescribed in the preceding Clause.

In what cases the courts may authorize a plaintiff to file a duplicate of the plaint for the purpose of correcting errors in the valuation of the cause of action.

XXIV. First. If during the trial of any regular suit, it shall appear that the plaint has been written on stampt paper of a less value than that which ought to have been used under the provisions of Section XIII of this Regulation, and the court shall be of opinion that the error or omission did not arise from any fraudulent motive, or from any design on the part of the plaintiff to evade the

provisions of the Regulations, it shall be competent to the court, either to permit or to direct the plaintiff or appellant in the suit, to file a duplicate of the plaint on stamp paper, of such a value as may be sufficient to complete the full amount of the stamp duty prescribed by the Section above mentioned.

Provisions for the repayment to a plaintiff of the stamp duty or institution fee in certain cases.

Second. In addition to the provisions of Section IV, Regulation XII of 1809, it is hereby declared that if, on the trial of any summary appeal preferred under that Section, the provincial court shall be of opinion, that the original suit was not from it's amount, regularly cognizable in the zillah court, but that the irregularity in the institution of such suit did not arise from any fraudulent motive on the part of the plaintiff, it shall be competent to the provincial court to direct the zillah judge to refund to the plaintiff the amount of the fee or stamp duty paid by him on instituting the suit in the zillah court, and the plaintiff shall be permitted to institute his suit de novo in the provincial court.

In the event of a judgment in favor of a pauper plaintiff being reversed on appeal by a higher court, and the original claim pronounced to be groundless, the amount of stamp duty to be repaid to appellant or his legal representative;

and how to be recovered from the pauper.

XXV. First. If on the suit of a pauper plaintiff a judgment be passed in favor of the plaintiff, and the defendant appealing from such judgment shall obtain a reversal of it with costs, so that the final judgment may be in favor of the defendant and the original claim shall be declared groundless, the amount of stamp duty, substituted for the institution fee, which such defendant may have paid upon his appeal, shall be returned to him or to his legal representative, by the court into which the same may have been paid; and the amount shall be recovered from the pauper against whom the final judgment may be passed, in the event of his being found to possess

property sufficient to make good the same, as provided in Section III, Regulation XIV of 1802.

The court of sudder udalut may in all other cases order return of the whole or any part of the stamp duty to be made, as may appear to them just and proper.

Second. In all other cases, the court of sudder udalut are authorized to direct a return of the whole or a portion of the amount of stamp duty, substituted for the institution fee, as on due consideration of the circumstances of the case, whether brought before them in appeal or referred to them by a provincial or zillah court, may appear to them just and proper.

The board of revenue to cause the greatest possible publicity to be given to the present regulation and the rates of duty established in it.

XXVI. It shall be the duty of the board of revenue to cause the greatest possible publicity to be given to the provisions of this Regulation, and especially to the rates of duty thereby established on stampt paper and stampt cadjan.

The board of revenue, and the officers acting under their authority, to adopt all legal and proper measures for the conviction and punishment of persons forging or selling stampt paper, or guilty of other abuses.

XXVII. It shall likewise be the duty of the board of revenue and of the officers acting under their authority, to adopt all legal and proper measures for the conviction and punishment of persons suspected of forging or selling stamps, or uttering stamps knowing them to be forged, and likewise for the punishment of any authorized vender of stamps, either by means of a criminal prosecution or by dismission from office, as may appear most proper, according to the circumstances of the case, who may be guilty of exacting more than the prescribed rates for the sale of stamps.

The collector of the land revenue shall be vested in ordinary cases with the charge of the stamp office ordered to be

XXVIII. The collectors and assistant collectors of the land revenue shall, in ordinary cases, be vested with the charge of the stamp office ordered by the present Regulation to be established in

each zillah. The Governor in Council however, reserves to himself the power of nominating any other public officer, or deputing specially any other covenanted servant of the Honorable Company, to take charge of any such stamp office in any district in which that measure may appear to him to be advisable, and persons so nominated or deputed, shall be entitled to exercise all the powers and enjoy the emoluments granted to collectors of the land revenue by this Regulation.

established in each zillah, and power reserved to Government to nominate any other public officer to take charge of any such office.

XXIX. First. Any ministerial officer who may hereafter file in any court of justice, or in the office of any collector or other public officer, without the written order of such officer, any petition, pleading or other document required to be written on stampt paper, which may not have been written on the prescribed stampt paper, or who shall furnish a copy of any paper or proceeding required to be written upon stampt paper, on any other paper than the required stampt paper, shall be liable to dismission from office and to the payment of a fine to Government equal to ten times the amount of the stamp duty which would have been payable, if the prescribed stampt paper had been used for such petition, pleading or other document.

Penalties for filing or furnishing copies of papers not written on stamp paper.

Second. Such penalty shall be recoverable by a summary process in the courts of udalut.

How such penalty is recoverable.

XXX. The provisions of this Regulation are not intended to preclude individuals from making for their private use and at their own expense, copies of the judicial or revenue papers with the permission of the court, collector or other public

Copies which individuals may be authorized to make for their own use need not be written on stampt paper, but shall not be authenticated by any offi-

cial seal or signature.

officer having charge thereof, on any paper which they may prefer; but if such copies be not made on stampt paper of the prescribed rate, they shall not be authenticated by the seal or signature of any court, collector or other public officer, and shall not be received as evidence in any court of justice, or in any public office whatever.

Nothing in this Regulation intended to affect certain suits specified.

XXXI. Nothing in this Regulation shall be construed to affect suits instituted before the native tribunals established under the provisions of Regulations IV, V, VI and VII of 1816, or suits preferred to collectors under Regulation XII of 1816.

Proviso.

Provided however, that in appeals from the decisions of district moonsifs under Section LIII, Regulation VI, 1816, the petition shall, agreeably to the amount or value of the property claimed, be written on stampt paper of the rate prescribed in Section XIII of this Regulation; and provided also, that in all other cases which may be brought before the different authorities in the judicial department under the Regulations referred to in this Section, the petition shall be written on stampt paper of the rates specified in Section XX of this Regulation.

APPENDIX—*Omitted.*

A. D. 1816. REGULATION XIV.*

A REGULATION, for amending and modifying the

* *Vide Regulation* II, 1817.

rules which have been passed regarding the office of vakeel or native pleader in the courts of civil judicature.—Passed by the Right Honorable the Governor in Council of Fort St. George, on the 26th of October 1816.

WHEREAS it has been deemed expedient to amend and modify the provisions applicable to the office of vakeel or native pleader, and to transfer to the provincial courts the controul now exercised by the sudder adawlut in the appointment and removal of vakeels or native pleaders in the zillah courts and in the provincial courts; and whereas the speedy adjustment of disputes may be facilitated by empowering the authorized vakeels to receive certain fees for legal opinions furnished by them, and by vesting them with authority to act as arbitrators under the general Regulations: The following rules have been passed by the Governor in Council, to be in force from and after the *first day of February 1817, throughout the provinces immediately subject to the Presidency of Fort St. George. Preamble.

II. Regulation X of 1802, Sections XXXII and XXXIII, Regulation VII of 1809, shall be rescinded from and after the first day of February 1817. Regulations rescinded.

III. First. The sudder adawlut and the several provincial courts are empowered to appoint to the office of vakeel in their respective courts such a number of persons, being natives of India of the hindoo or mohummudan persuasion, and duly quali- The sudder adawlut and the provincial courts empowered to appoint the vakeels of their respective courts.

* *Vide Regulation* II, 1817.

fied for the situation, as may from time to time appear to them to be necessary.

Vakeels of the zillah courts to be nominated by the judges of those courts for the sanction of the provincial courts.

Second. Whenever the appointment of a vakeel may be requisite in any of the zillah courts, the judge of such zillah shall nominate, for the approbation of the provincial court of the division, some person being a native of India and otherwise duly qualified for the situation, and shall communicate to the provincial court such information as he may have obtained regarding the age, capacity, character, education, and past employment, of the individual whom he may recommend, and no person shall be authorized to practice as a vakeel in any zillah court without the previous sanction of the provincial court.

Pleaders to receive a sunnud from the courts to which they may be appointed.

IV. First. Persons who may hereafter be appointed to the office of vakeel in the zillah courts, the provincial courts, or the sudder adawlut, shall receive a sunnud of appointment duly authenticated by the court to which they may be respectively attached.

The sunnud to be of a prescribed form.

This sunnud, which is not required to be written on stampt paper, shall be drawn up according to the form No. 1 in the appendix to this Regulation.

And to be cancelled on the death, removal, or resignation, of the pleaders.

Second. Whenever a vakeel may be dismissed from his office, or may die, or may resign his situation, his sunnud of appointment shall be recalled and cancelled by the court, to which such vakeel may have been attached.

Pleaders to take an oath according to the prescribed form.

V. Every vakeel, previously to being allowed to practice, shall take and subscribe before the court

to which he may be appointed, an oath, drawn up according to the form No. 2 of the appendix to this Regulation, or a solemn declaration in lieu thereof, under the provisions now in force, or any other provisions which may be hereafter enacted.

Or a solemn declaration in lieu thereof.

VI. Pleaders employed in the several courts of civil judicature shall be liable to dismission from their office, whenever they may be guilty of encouraging or promoting litigious suits, of wilfully delaying the suits of their clients for their own advantage, or refusing or omitting, without sufficient cause to be shewn to the court, to carry on the suits of their clients, after having accepted a vakalutnamah; of demanding or accepting from their clients any fee, or sum of money, goods, effects, or other valuable consideration beyond the fees, which they are, or may be, authorized to receive under the Regulations; or of fraudulent practices, neglect, or other misconduct, in the discharge of their professional duty; or of gross profligacy or misbehaviour in their private conduct.

Pleaders liable to be dismissed for certain acts of misconduct.

VII. All agreements which may be entered into between pleaders and their constituents, for paying or receiving less than the established fees, are to be considered null and void; the whole of the vakeel's fees which may be payable by the party in such cases, shall be forfeited to Government, and the pleader who may be convicted of having been a party in such illicit agreement, shall be liable to immediate dismission from his office.

Agreements to receive less than the authorized fees declared to be illegal, and vakeels liable to dismission when parties to such agreements.

VIII. The vakeels are required to use due precautions to ascertain the real names and the iden-

Pleaders accepting vakalutnamahs in fictitious names.

liable to be dismissed.

tity of persons who may propose to employ them as pleaders; and any authorized vakeel, who shall hereafter receive and file a vakalutnamah from any person under a fictitious name, shall be liable to be dismissed from his office; provided, however, that the judge upon full enquiry into the circumstances of the case, and the provincial court on consideration of the judge's report, shall deem him to be deserving of such punishment.

Vakeels required to examine and sign the pleadings before they are filed.

IX. First. The vakeels are hereby enjoined not to file any plaint, answer, or other pleading, without previously ascertaining that such pleading has been duly prepared in conformity with the Regulations; that it contains no unnecessary repetitions of former pleadings, no terms of personal abuse, or reproach against the opposite party, his vakeels, witnesses, or other persons; and no groundless imputations on any court of justice, or public officer, but that it contains such matter only as is apparently material and relevant to the suit. Every pleading filed by an authorized vakeel, shall be signed by him, in testimony of his having considered and approved it's contents.

Pleaders to examine exhibits previously to their being filed on the part of their clients;

Second. In order that the expense, trouble and inconvenience, frequently experienced by filing irrelevant exhibits and by summoning useless witnesses, may be avoided, the vakeels are hereby further required to examine the documents which their constituents may propose to exhibit in proof of their claims, previously to their being filed in court; and to ascertain from their constituents, previously to summoning any witnesses, the specific points which such witnesses are expected to prove by their testimony.

and not to summon witnesses without previously ascertaining to what points their testimony is required.

Third. The courts will carefully point out to the notice of the vakeels such parts of the pleadings as are irregular, irrelevant, or otherwise objectionable, and shall record their censure of any vakeel whose conduct, in opposition to the preceding rules, may in any particular instance demand such animadversion. If notwithstanding such recorded censure, a vakeel shall again be guilty of similar misconduct, he shall be liable to forfeit in each instance the amount of the fee to which he may be entitled in the suit, or to such other fine to Government, not exceeding twenty rupees, as the court may deem it proper to impose.

Pleaders to be censured and eventually dismissed, for breach of the preceding rules.

X. First. The sudder adawlut, and the several provincial courts, will at all times exercise their discretion in removing from office any pleader of their respective courts, who may be guilty of any of the acts abovementioned, or who may be otherwise deemed unfit for the situation.

The sudder adawlut and the provincial courts authorized to dismiss the pleaders of their respective courts.

Second. Whenever a zillah judge shall be of opinion that a vakeel, attached to his court, or to that of a register, or any of the sudder ameens, is unfit for the situation, in consequence of his having been guilty of any of the acts mentioned in the preceding Sections, or that he is otherwise disqualified for the office of pleader, the judge shall report the circumstances of the case, together with his own opinion upon it, to the provincial court, who will pass such orders on the case as may appear to be proper, or will call for any additional information, or direct any further enquiry that the nature and circumstances of each case may appear to demand.

Misconduct or disqualifications of pleaders attached to the zillah courts, to be reported by the judges of those courts to the provincial courts;

who will pass such order thereon as may be proper.

XI. The zillah judges are empowered, without

Pleaders attached

to zillah courts may be suspended from office without the previous sanction of the provincial court.

Such cases to be immediately reported for the information and orders of the provincial court.

the previous sanction of the provincial court, to suspend from his office any pleader attached to their courts, who may be guilty of any gross act of fraud or misconduct; but in such instances it shall be the duty of the judge to report the circumstances of the case, with as little delay as possible, for the information and orders of the provincial court.

In what cases the pleaders are liable to be prosecuted in the civil court by their clients.

XII. First. The parties in a cause are authorized to prosecute their respective pleaders in the civil courts of judicature, for any damages or injury which they may have sustained from any breach of the Regulations on the part of their pleaders, or from any fraudulent conduct, or malpractices, committed by their pleaders regarding the suit.

Parties may withdraw the management of a depending suit from their pleaders and may appoint new pleaders in their room.

Second. Any party in a suit, who may be dissatisfied with the conduct of his pleader, shall be at liberty at any stage of the trial previously to the decision, to withdraw the power delegated to his pleader, and to appoint another vakeel to plead the cause. In such cases the party is to present a petition to the court, notifying that he has withdrawn the management of the suit from such pleader, and is to file a new vakalutnamah in the name of the pleader whom he may appoint to carry on the suit: all acts, however, which may have been done by the first pleader on the part of his client, previously to his having been dismissed, are to be held valid; and on the conclusion of the suit, the court will exercise it's discretion in awarding to the pleader first employed any portion of the authorized fee, to which he may appear justly entitled on a consideration of the trouble which he may have undergone, and the other circumstances of the case.

The court may award to a pleader so removed, any portion of the fee which may be proper.

XIII. If a pleader should be unable to attend the court in consequence of indisposition, or other sufficient reason, he is to notify the same in writing to the court, on unstampt paper; and the hearing of any cause in which such pleader may be employed, is to be postponed to a future day, unless the party or his authorized agent shall commit the management of the cause to any other pleader of the court, or unless the party himself shall be present and willing to plead the cause in person. If the management of the cause shall be entrusted to any other pleader of the court, instead of filing a new vakalutnamah, it shall be sufficient for the party or his agent duly authorized, to endorse on the back of the original vakalutnamah, a written declaration that he has appointed some other vakeel of the court to conduct the cause, either permanently or during the absence of the pleader first appointed; and on passing a decision in such cases, the court shall direct the amount of the authorized fee to be divided between the two pleaders, in such proportions as may furnish an equitable remuneration for the trouble which they may have respectively undergone.

Measures to be adopted when a pleader may be unable to attend the court from indisposition or other sufficient cause.

XIV. First. If a pleader shall fail to attend in court on any day fixed for the transaction of civil business, and shall omit to notify in writing to the court his inability to attend in consequence of indisposition or other sufficient cause, the court is authorized to impose on such pleader, a fine for the first offence, not exceeding the sum of fifty arcot rupees; and for the second offence, not exceeding one hundred arcot rupees. If such pleader shall be guilty of a similar offence a third time, he shall be liable to dismission from his office.

Penalties for pleaders absenting themselves from court without notifying the cause of their absence.

Pleaders may be fined one hundred rupees for disrespect to the court.

Second. If any pleader shall be guilty of disrespect to the court, in open court, the court is empowered to impose a fine upon him, not exceeding the sum of one hundred arcot rupees.

Fines imposed on pleaders by the sudder ameens, to be reported to the zillah judge.

XV. First. Whenever a sudder ameen may find it necessary to impose any fine on a pleader attached to his court, he shall report the circumstances of the case to the judge, who will either confirm and enforce, or modify, or remit the fine, as may appear to him reasonable and proper.

The orders of zillah judges and registers imposing fines on pleaders, to be conclusive.

Second. All orders imposing fines on pleaders, which may be passed by the judges or registers of the zillah courts, in conformity with this Regulation, shall be final, and the amount of the fines shall be levied either by a deduction from the fees which may become due to the offender, or by the process which is prescribed for the execution of decrees; provided, however, that if a zillah judge shall in any particular instance see reason to believe, that a fine has been imposed by a register on insufficient grounds, or that the amount of such fine is disproportionate to the offence, it shall be competent to the zillah judge to remit or modify the fine, at his discretion; and the order of the zillah judge in such cases, shall be conclusive.

Proviso.

Vakeels not allowed to plead in other courts than in those to which they may be attached. Exception.

XVI. The vakeels attached to one court are not to be allowed to plead in any other court; but this rule is not intended to preclude the zillah judges from making such an allotment and distribution of the pleaders attached to their courts, as may from time to time appear convenient, on a consideration of the civil business in their own courts, and in those of their registers, and of the sudder ameens.

XVII. The authorized pleaders of the zillah courts are hereby prohibited, without obtaining the previous sanction of the judges of those courts, from officiating as agents in any prosecution, trial, or proceeding, before the magistrates or their assistants. This prohibition, however, is not intended to apply to the cases of pleaders, who may be employed on the part of Government in conducting the prosecution of persons charged with criminal offences, or in the execution of any other duties in the criminal department, which such pleaders may be directed or authorized to perform on the part of Government, under the Regulations which are now, or may hereafter be, in force.

Vakeels prohibited from being employed as agents in the fouzdaree courts of the zillahs.

XVIII. First. Whenever a vakeel attached to a zillah court may die, or may be removed from his office, or may voluntarily resign his situation, the judge of such zillah shall notify the same in a publication, to be affixed in his own cutcherry, and in the cutcherries of the register, sudder ameens, and the collector of the district; the publication shall contain a statement of the several depending cases in which such vakeel may have been employed, and a requisition to the parties who have retained such vakeel to attend in person, or to substitute another vakeel in room of the pleader, formerly appointed by them, within a reasonable period, to be fixed by the court, not being less than six weeks. In such instances, instead of filing a new vakalutnamah, it shall be sufficient for the party or his agent duly authorized, to endorse on the original vakalutnamah a written declaration, that he has appointed some other vakeel of the court, in lieu of the pleader, who may have died or re-

Publication to be issued on the death, resignation, or removal, of a pleader in a zillah court.

What the publication is to contain.

signed his office, or have been removed from his situation.

Such publication to be considered a good and sufficient notice.

Second. A publication issued in conformity with the preceding rules shall be held and considered to be a good and sufficient notice; and if any party shall not attend or appoint another vakeel, within the period limited in the publication, he shall be required to shew cause for the omission; and if sufficient cause be not assigned, the court shall proceed as in case of default, in conformity with the provisions in force.

Publication to be issued on the death, resignation, or removal, of a pleader in the provincial courts or in the sudder adawlut.

Third. A similar notification shall be issued on the death, resignation, or removal, of any pleader attached to the provincial courts, or to the sudder adawlut; if the pleader shall have been attached to a provincial court, the publication shall be affixed in the cutcherry of such provincial court, and of the sudder adawlut, and in the cutcherries of the several zillah courts, included in the division; and the period to be allowed for the parties to appear and to substitute another vakeel, shall not be less than two months. If the pleader shall have been attached to the sudder adawlut, the publication shall be affixed in that court, and in such of the provincial courts and of the zillah courts, in which it may appear necessary to publish the same, with reference to the depending causes in which the vakeel may have been employed; and the period to be allowed to parties to appear and substitute another vakeel, shall not be less than three months.

Similar publication may be issued in other cases.

Fourth. The courts are authorized to apply the principle of the preceding rules to cases, in which

the decision of suits may be materially delayed by the protracted indisposition of a pleader, or by his continued inability to attend the court from any other cause, which may be expected to be permanent or of considerable duration.

Fifth. Whenever a pleader, originally entertained by a party, may have commenced the pleadings and prosecution, or defence, of a suit, and from any cause, not originating in the misconduct of such pleader, another pleader shall be employed in his stead, it shall be competent to the court, in which the suit is decided, or terminated, to adjudge to the pleader so employed at the commencement of the suit (or if he be dead, to his heirs or legal representatives), such part of the established fee, as may appear to be an equitable remuneration for the trouble which he may have undergone.

Courts empowered to adjudge a reasonable portion of the fee to a pleader who may have been removed from the management of a cause without any fault on his part.

XIX. The courts of civil judicature are hereby empowered to permit any of the authorized vakeels of their respective courts, to be arbitrators in depending suits, subject to the several rules and provisions in force for referring suits to arbitration.

Pleaders may be employed as arbitrators.

XX. First. The authorized vakeels of the sudder adawlut, of the provincial courts, and of the zillah courts, are hereby empowered to receive fees for legal opinions, under the provisions contained in the following Clauses of this Section.

Pleaders may receive fees for legal opinions.

Second. Any person who may be desirous of obtaining the opinion of an authorized pleader, regarding the legal validity and sufficiency of any claim, right or title, which he may suppose himself

A written statement of the case to be submitted to the pleader.

to possess, and on the consequent expediency of prosecuting or defending, either originally or in appeal, such supposed claim, right or title, in the courts of civil judicature, may submit a written statement of his claim under his seal, signature, or mark, to the pleader, whose opinion he may wish to obtain.

The pleader to give a written declaration of his opinion.

Third. The pleader, to whom such statement may be submitted, after an attentive consideration of the laws, regulations, usages, or precedents, which may be applicable to the case, and of the arguments and proofs which may be adduced in support of the claim, shall furnish to the party under his signature, a written declaration of his opinion, and of the grounds upon which that opinion may be formed.

Rates of fees to be allowed in such cases.

Fourth. If the pleader who may have furnished such written opinion, shall be attached to the court of sudder adawlut, he shall be entitled to a fee of twenty-four arcot rupees; if he shall be attached to any of the provincial courts, he shall be entitled to a fee of sixteen rupees; if he shall be attached to a zillah court, he shall be entitled to a fee of eight rupees.

But pleaders who may have accepted a vakalutnamah in the case, not authorized to receive such fee.

Fifth. Provided, however, that it shall not be lawful for any pleader, who may have received a vakalutnamah in any suit instituted in a court of civil judicature, to receive the fee above prescribed on account of any legal opinion, which he may subsequently furnish to his constituent respecting any subject or question connected with such suit.

Pleaders liable to

Sixth. Any pleader who, under the preceding

rules, may knowingly furnish an opinion of a nature evidently calculated to promote the institution of unfounded or litigious suits, or to discourage the amicable adjustment of dubious claims, shall be liable to be dismissed from his office; and if after furnishing such dishonest opinion he shall be employed as a pleader in the suit, his fees shall be liable to be forfeited by order of the court, either to Government, or to the party whom he may have wilfully misled by such opinion.

penalties for wilfully furnishing a dishonest opinion.

XXI. First. When a party in a cause may be desirous of retaining a vakeel for the prosecution or defence of any civil suit, he shall not be required to pay to such vakeel the retaining fee of four annas, heretofore prescribed; but he shall execute to him a vakalutnamah, constituting him pleader in the cause, and authorizing him to prosecute or defend the suit, and further binding himself to abide by, and to confirm, all acts which such pleader may do or undertake in his behalf in the cause, in the same manner as if such party had been personally present and consenting; the party is to attest the instrument with his seal, or signature, or with his mark, if he cannot write, in the presence of two credible witnesses, who are likewise to attest it in the same manner; and who are to attend the court and prove the vakalutnamah in all cases in which it may be judged requisite.

Retaining fee abolished.

Rules for the execution of a vakalutnamah.

Second. Such vakalutnamahs are to be written on the stampt paper prescribed in Section XX, Regulation XIII of 1816, but shall not be liable to the stamp duty on exhibits under Section XVI of that Regulation.

Vakalutnamahs to be written on stampt paper, but not liable to the stamp duty on exhibits.

Pleaders after accepting a vakalutnamah are prohibited from being employed in the same cause against the party who may have retained them.

XXII. When a vakeel, to whom a vakalutnamah may have been executed under the preceding Section, shall consent to undertake the prosecution or defence of the suit, he shall affix his signature to the back of the vakalutnamah, together with the date on which such signature may be affixed; and shall thenceforward be precluded from being employed in the same cause against the party who may have so retained him.

Security formerly required for the payment of vakeels fees no longer necessary.

Fat the amount of the fees to be deposited in court.

XXIII. First. Whenever a pleader may have been duly appointed on the part of any plaintiff or appellant in any regular or summary suit instituted in a zillah court, or provincial court, or in the sudder adawlut, such plaintiff or appellant, instead of furnishing security, as heretofore required, shall deposit in the court a sum equal to the amount of his pleader's fee, according to the rate prescribed in the following Section as applicable to regular suits, and in Section XXXII as applicable to summary suits; and until such deposit be made, no vakeel shall be allowed to do any act in the suit, except in the case of paupers, or in other cases specially provided for by the Regulations; a similar deposit shall likewise be required from defendants or respondents for the fees of the pleaders whom they may employ, and until such deposit be made, the vakeels shall not be allowed to plead, or to perform any act in the suit, on the part of their constituents, except in the special cases abovementioned.

Receipt to be granted for such deposit.

Second. A receipt on unstampt paper, duly attested by the sheristadar of the court, shall be granted in each instance to the party making the deposit; and a duplicate receipt similarly attested,

shall be filed with the proceedings on the suit; an account of such deposits shall also be regularly entered into a register book to be kept by the sheristadar of the court for that purpose.

And a register book of such deposits to be kept by the Treasurer of the court.

Third. *Rescinded by Section* II, *Regulation* IX, 1828.

XXIV. The preceding rules are not intended to be applicable to the fees of vakeels employed on the part of paupers, or in presenting to the courts miscellaneous petitions, or applications, of the descriptions mentioned in Section XXXIV of this Regulation. In such cases no previous deposit or security shall be demanded on account of the vakeel's fee; but the amount of the fee, which may be ultimately awarded by the court under Section XXXV, shall be levied in the manner prescribed for the execution of decrees, in all instances in which the interposition of the authority of the court may be requisite for the purpose of realizing such fee.

In what cases the preceding rules are not applicable.

XXV. First. In all regular suits which may be instituted, either originally or in appeal, from and after the first day of February 1817, in any of the zillah courts, the provincial courts, or the sudder adawlut, the vakeels employed by the respective parties are to be allowed for pleading the causes of their clients, the rates of fees calculated as follows:

Specification of the rates of fees payable to vakeels in regular suits.

In suits for money, effects, or for other personal property, or for land, or other immovable property of any description, if the amount or value of the claim, estimated according to the provisions of Section XIV, Regulation XIII of 1816, shall not exceed 5,000 arcot rupees—five per cent.

If the amount or value shall exceed 5,000 rupees and shall not exceed 20,000 arcot rupees; on 5,000 as above, and on the remainder two per cent.

If the amount or value shall exceed 20,000 rupees and shall not exceed 50,000 rupees; on 20,000 as above, and on the remainder one per cent.

If the amount or value shall exceed 50,000 arcot rupees, and shall not exceed 80,000 arcot rupees; on 50,000 as above, and on the remainder eight annas per cent.

If the amount or value shall exceed 80,000 rupees, the fee to the vakeel shall be one thousand rupees; and shall in no instance exceed that sum, however great may be the value or amount of the suit in which such vakeel may be employed.

Fractions of rupees to be rejected in the preceding calculations.

Second. In all the preceding calculations, where the amount or value may be in fractions of rupees, such fractions are to be rejected in calculating the fees thereupon.

A receipt to be given for the prescribed fees on stampt paper.

Third. For every sum which may be paid to a vakeel by a civil court, on account of his fees, such vakeel shall give a receipt written on the stampt paper prescribed in Section XI, Regulation XIII, 1816.

Pleaders fees how to be charged in the judgment.

XXVI. First. If the decree shall be given against the defendant or respondent, and the whole of the money or property which may be demanded by the appellant or plaintiff shall be decreed to him, a sum equal to the whole of the fees of his pleader shall be adjudged to the plaintiff or appellant, in addition to the other costs which may be awarded to him; but if only a part of the money or property

claimed is decreed to the plaintiff or appellant, a sum bearing the same proportion to the money, or to the value of the thing decreed, as the fee did to the demand stated in the plaint or appeal, is to be decreed and added to the costs, which may be awarded to the plaintiff or appellant.

Second. If the suit of the plaintiff or appellant shall be dismissed, whether upon an investigation of the merits or otherwise, the plaintiff or appellant, is to be charged with the fees of his own pleader and with those of the defendant or respondent.

Continuation of the same subject.

Third. Provided, however, that if in any instance the payment of the pleader's fees, according to the preceding rules, should not appear to be just and equitable, the courts of civil judicature may exercise their discretion in charging the fees of the pleaders to the parties respectively, in such proportions as may appear equitable and proper, under a consideration of all the circumstances of the case.

Proviso.

XXVII. The courts of civil judicature are to insert in their decrees all sums paid or payable by the parties, under the Regulations, on account of fees, or stamp duties, as well as on account of compensation for the expense of witnesses, and of subsistence money to peons employed in serving the processes of the courts, and of all other costs and expenses of the suit, such costs and expenses shall be ultimately charged to the parties cast, or to the parties respectively, in such proportions as the court may deem equitable.

All legal expenses and costs to be included in the decree, and to be charged to the parties in such mode as may appear equitable.

XXVIII. When a suit, in which one of the

Discretion vested in

the courts to return a portion of the pleader's fee in certain cases to the party who may have deposited it.

parties may have been admitted to plead as a pauper, may be decided with costs in favour of the adverse party, and such pauper cannot make good the full amount of the costs awarded against him, the courts are authorized to return to such adverse party, any portion of the fee deposited by him on account of his vakeel, which may be deemed expedient, and to pay the remaining portion of the fee to the vakeel entitled to receive it. In exercising this discretion, the courts will be careful that the vakeel receive such a portion of the deposit as may in each instance appear to be a reasonable remuneration for the duty performed by him. The courts shall further endeavour to realize the remainder of the fee due to such vakeel, from any property which may subsequently be found to belong to the pauper.

Pleaders fee to be paid on the determination of the suit.

XXIX. Upon a decision being passed by the court, whether upon an investigation of the case or otherwise, the fees of the pleaders, deposited in the court, shall be paid to the persons respectively entitled to receive them; and such payment shall not be stayed, or postponed, in consequence of an appeal being preferred from the decision.

Rules where two or more pleaders may be employed by the same party.

XXX. First. The parties in a suit are respectively permitted to entertain two or more pleaders, who shall either divide the authorized fee between them, in an equal, or in any other proportion, which may have been previously agreed upon between them and their constituent, or shall each be entitled to receive the full established fee, as may be specified in the vakalutnamah; but all stipulations to this effect shall be distinctly stated in the vakalutnamah, which shall otherwise be construed to entitle the

whole of the vakeels appointed by it to an equal division of the established fee and no more.

Second. It shall be sufficient in such cases for the party employing two or more vakeels in the same suit, to file a single vakalutnamah; but the party shall be required to deposit in court the whole amount of the fees payable to his pleaders, under the rules contained in Section XXIII of this Regulation.

In such cases one vakalutnamah only is requisite.

Third. If the party shall agree to pay to each of the vakeels employed by him the full amount of the authorized fee, the opposite party in the suit shall in no case be required to make good more than the fee of one of those pleaders, or such part of that fee as may be adjudged against him by the court. The fees of the other pleader are to be considered as a separate expense to be defrayed exclusively by the party entertaining him, and for which he is not to be reimbursed in any case whatever.

When two or more pleaders may be employed the adverse party shall in no case pay more than the prescribed fee for one pleader.

XXXI. First. If a suit shall be withdrawn or dismissed on default without a determination upon the merits of the case before all the requisite pleadings shall have been filed in court, the respective pleaders of the plaintiff and defendant, or of the appellant and respondent, shall each be entitled to only one-fourth of the established fee, which they would have received had the suit been brought to a regular decision by the court. If a suit shall be withdrawn or dismissed on default after all the requisite pleadings shall have been filed in court, the respective pleaders are to be entitled to one half the fees which they would have received if judgment

Rules for the payment of vakeels fees when the suit may be withdrawn or dismissed without an investigation of the merits of the case.

had been given in the cause. The fees in both of the abovementioned cases are to be charged to the plaintiff or appellant withdrawing the suit, or suffering it to be dismissed on default, together with all the admitted costs incurred by the defendant or respondent.

Rules applicable to the fees of pleaders in suits adjusted by razeenamahs.

Second. The same rules shall be considered applicable to cases adjusted by razeenamah, except that the fees of the pleaders and all other costs of the suit, shall be paid by the parties in such manner and proportions as may have been agreed upon, and inserted in the razeenamah.

Pleaders employed in summary suits to receive only one fourth of the fee prescribed in regular suits.

XXXII. The vakeels who may be employed by the respective parties in summary suits for the recovery of arrears of rent or revenue, or for recovering the possession of land, and generally in all other suits in which a summary process is authorized by the Regulations, are to be allowed for pleading such summary suits a fee equal to one fourth of the fee which they would have received had such suits been instituted as regular, and not as summary suits.

Such fees to be deposited in court as in regular suits.

XXXIII. The fees which may be payable under the foregoing Section shall be deposited in court, and paid to the vakeels entitled to receive them, in the same manner as is prescribed in regular suits under the preceding rules of this Regulation.

Pleaders to receive a fee of four annas for presenting miscellaneous petitions and applications;

unless such applica-

XXXIV. The pleaders in the several courts of civil justice are permitted to demand and receive a fee of four annas for each miscellaneous petition or application, which they may present, or motion which they make, in writing to the court: provided

that such petition, application, or motion, shall not relate to any suit depending before the court, wherein the person on whose behalf they may present such petition or application, or make such motion, may be a party; but all petitions, applications, or motions presented or made to any of the courts on behalf of parties in a suit on which the fees prescribed by Sections XXV and XXXII of this Regulation may have been paid, or may be payable, are to be considered as paid for by the fee allowed to the pleaders in the abovementioned Sections, and the pleaders are to make all such motions, and do all such acts as may be requisite, relative to any suit in which they may have been entertained, not only during the trial of such suit, but after a decision shall have been passed, until the final judgment shall have been enforced.

tions may be connected with a suit in which the pleader is or may have been employed.

XXXV. The fee of four annas for miscellaneous petitions and motions, prescribed in the above Section, is not required to be deposited in the court; but is to be paid by the party himself to the vakeel, at such time as may be mutually agreed upon; but as cases may occur in which the above fee of four annas may not be a sufficient compensation to the pleader or pleaders, the several courts of civil justice are authorized to award such additional fee in any instance, as they may consider to be a reasonable compensation to the pleader for the duty performed by him; and to cause payment thereof to be made either by the party, who may have employed such pleader or pleaders, or as costs of suit by the opposite party, as may be deemed just and proper; provided, however, that the compensation which may be awarded in such cases shall in no instance exceed

Mode in which such fee is to be paid.

Provisions for the payment of a higher fee in cases in which it may appear to be equitable.

Proviso.

one-fourth of the established fee to which the pleader or pleaders would have been entitled on a regular suit in the case in question.

Pleaders to give written receipts for documents entrusted to them by their clients.

XXXVI. Pleaders are to give written receipts on unstampt paper, for all accounts, writings, or documents, which may be delivered to them by their clients in the course of any suit or process; and if a pleader shall refuse to return such accounts, documents, or writings, the court, upon a petition being presented to them for that purpose by the owners of the papers so withheld, shall cause them to be restored.

Rules for the appointment of pleaders on the part of Government.

XXXVII. First. One or more of the authorized pleaders of the sudder adawlut, of the provincial courts, and the zillah courts, shall be appointed for the purpose of conducting the prosecution or defence of any suits in those courts respectively, which may be directed to be carried on at the public expense by any Regulation, or by a special order from the Governor in Council, or other authority competent to pass such order. Those pleaders shall be furnished with a sunnud, or written authority to that purport, in the english and persian languages, under the signature of the secretary to government in the judicial department, and the sunnud shall be drawn up according to the form No. 5 of the appendix to this Regulation.

The death or removal of a pleader on the part of Government, as well as the nomination of a successor, to be reported to the secretary to government

Second. The several courts of justice shall report to the secretary to government in the judicial department, the death, resignation, or removal, of any of the vakeels of Government attached to their respective courts; and shall at the same time nomi-

nate, for the approbation of Government, a proper person, being one of the authorized vakeels of the court, to succeed to the vacant office. The courts shall in all instances select from amongst the established pleaders, such individual as may appear best qualified for the situation, by his character and capacity.

in the judicial department.

Third. The pleaders for Government are to undertake all causes, which they may be directed to plead by orders from Government, or which may be directed by any Regulation to be carried on at the public expense, upon receiving an order for that purpose either from Government, or from any officer or officers, empowered by any Regulation to superintend and to furnish instructions for conducting such suits. The order of Government, or of such officer or officers, is to be filed in court as the authority of the pleader to plead the cause, and is to form part of the record of the proceedings.

Duties to be performed by pleaders on the part of Government.

Fourth. The pleaders of Government are prohibited from giving any advice to the parties opposed to Government in any civil suit or proceeding, and from being concerned, directly or indirectly, on their behalf, in suits which are directed to be carried on at the public expense; but in all other suits the pleaders of Government are to be at liberty to plead for either of the parties, in the same manner as the other authorized pleaders of the courts.

Such pleaders prohibited from advising parties opposed to Government.

Fifth. The pleaders for Government are to be paid the same fees in causes directed to be pleaded at the public expense, as pleaders employed in causes between individuals, and under the same

What fees they are entitled to receive.

Proviso.

rules and restrictions; provided, however, that the previous deposit, prescribed in Section XXIII of this Regulation, shall not be required for the fees payable to the pleaders of Government, in the prosecution or defence of suits conducted at the public expense.

To be guided by the same rules as pleaders in other suits.

Sixth. In pleading suits directed to be carried on at the public expense, the pleaders for Government are to be subject to all the rules prescribed for their guidance when pleading on behalf of individuals, except in matters or cases, in which it may be otherwise specially directed by any Regulation.

Another pleader may be associated with the pleader of Government, in carrying on suits at the public expense.

Seventh. The board of revenue, the board of trade, or any other authorities, entrusted with the management of suits on the part of Government, are empowered to associate with the established vakeel of Government, any other authorized pleader, in cases in which such aid may, from the importance of the suit, or any other reason, be judged necessary or advisable; such additional pleader shall be furnished with a vakalutnamah, duly authenticated by the officer or authority employing him, and shall be entitled to receive the same fees, and under the same rules and restrictions, as if he were employed on the part of an individual, subject however, to the provision contained in Clause fifth of this Section.

Individuals not prohibited from pleading their own suits.

XXXVIII. No part of this Regulation is to be construed to prohibit, or to prevent, any individual from appearing and pleading his own cause in person, in any of the courts of civil judicature, without employing an authorized pleader.

XXXIX. The provisions of this Regulation are not intended to apply to vakeels, who may be employed in the courts of the village or district moonsifs, or before the village or district punchayets, or before the collectors of zillahs, under the provisions of Regulations IV, V, VI, VII and XII of 1816.

This Regulation not intended to apply to vakeels under Regulations IV, V, VI, VII and XII, 1816.

XL. That the pleaders in the several courts, as well as all other persons, may have it in their power to render themselves acquainted with the Regulations enacted by the British Government, there shall be kept, for public inspection, in the several courts of judicature, printed copies of all such Regulations, and of the translations in the native languages, bound up with the annual indexes; until the Regulations, which may be passed in each year, are so bound up, the separate copies of each Regulation, with the translation which may be printed and circulated to the courts, are to be exposed as above directed; the Regulations are to be deposited upon a table, expressly allotted for that purpose, in some part of the court-room, and to lie for public inspection every day, Sunday excepted, during the ordinary hours of business, when the pleaders of the courts and all other persons are to be at liberty to refer to the Regulations, or to take copies or extracts from them in the court-room: on receipt of the translations of the Regulations in the country languages, the several courts of civil justice shall cause the same to be publicly read in their cutcherries, and shall require the native pleaders of their respective courts, to take copies of any of those translations, which relate, directly or indirectly, to the administration of civil justice.

The regulations are to be exposed for the public inspection, and the pleaders are required to make extracts from them.

APPENDIX—*Omitted.*

A. D. 1816. REGULATION XV.*

A REGULATION, for modifying the jurisdiction of the zillah and provincial courts, and the court of sudder adawlut, in the trial of original suits and appeals; for amending some of the rules at present in force regarding the admission and trial of special and summary appeals from decisions passed in regular suits; and for limiting and altering some of the existing provisions respecting the pleadings and processes, and the mode of executing decrees in regular suits and appeals,—Passed by the Right Honorable the Governor in Council of Fort St. George, on the 26th of October 1816.

Preamble.

WITH the view of promoting the speedy administration of civil justice, it has been deemed expedient that certain modifications should be made in the existing rules regarding the jurisdiction of the zillah and provincial courts, and the court of sudder adawlut, in the trial of original suits and appeals; and that some of the provisions at present in force regarding the admission and trial of special and summary appeals from decisions passed in regular civil suits, should be amended; and it has been also deemed expedient to alter the rules at present in force regarding the pleadings and processes, and the

* *Vide Regulation* II, 1817.

mode of executing decrees in regular civil suits and appeals: The Governor in Council has therefore been pleased to enact the following rules, to be in force from and after the *first day of February 1817.

II. All original regular suits in which the value or amount of the claim, calculated according to the provisions of Section II, Regulation XII of 1809, may exceed five thousand arcot rupees, shall be instituted and tried as heretofore in the provincial courts; but if it shall at any time appear to the sudder adawlut that, from the pressure of business in any of the provincial courts, suits amounting to forty-five thousand arcot rupees and upwards, being the amount fixed for appeals to the Governor General in Council, can be more conveniently or expeditiously tried in the first instance by the sudder adawlut, than by the provincial court before which they may be depending, it shall be competent to the sudder adawlut to order the transfer of all or any of such suits from the provincial courts to the sudder adawlut. In the transfer and trial of such suits the sudder adawlut shall be guided by the same provisions as are prescribed for the conduct of the provincial courts, regarding the transfer and trial of original suits exceeding five thousand arcot rupees in amount or value, depending in the zillah courts.

The sudder adawlut empowered whenever they shall see fit to call up from provincial courts and try in the first instance suits for 45,000 rupees and upwards.

To be guided by the same rules as the provincial courts in the transferring of causes to them from the zillah courts.

III. Section VIII, Regulation VII of 1809, is hereby rescinded, and no appeal shall lie to the provincial courts from the decree of a zillah judge on an appeal from the decision of a register; provided

Section VIII, Regulation VII of 1809, rescinded.

Provision for special

* *Vide Regulation* II, 1817.

appeal from zillah judge's decision on an appeal from the decisions of registers, sudder ameens and moonsifs.

however, that nothing in this Section shall be construed to prohibit the provincial courts from admitting a second or special appeal from decisions passed by the zillah judges on regular appeals from the original judgments of registers, sudder ameens, or moonsifs, such special appeals being admitted and tried under the rules and restrictions contained in Section IV of this Regulation.

Provisions in modification of the rules in force regarding the mode of admitting special appeals.

IV. First. In modification of the provisions contained in Sections XXVI and XXIX, Regulation VII of 1809, it is hereby enacted, that from and after the first day of February 1817, no special or second appeal shall be admitted by a provincial court, or by the sudder adawlut, unless upon the face of the decree, or of documents exhibited with it (assuming all the facts of the case as stated in the decree), the judgment shall appear to be inconsistent with some established judicial precedent or with some Regulation in force, or with the hindoo or mahomedan laws in cases which are required to be decided by those laws, or with any other law or usage which may be applicable to the case, or unless the judgment shall involve some point of general interest or importance not before decided by the superior courts.

Party to present a petition to the court competent to admit such special appeal.

Second. When a party upon any of the grounds specified in the preceding Clause, may be dissatified with a judgment passed on a regular appeal by a competent civil court, and may in consequence be desirous of a second or special appeal, he shall, within the limited periods prescribed for the admission of regular appeals, present a petition to the court which, under the provisions of Regulation

VII of 1809, may be competent to admit a special appeal in the case.

Such petition to be written on stampt paper, of what description, and what it is to contain.

Third. Such petition shall be written upon the stampt paper prescribed in Section XIII, Regulation XIII of 1816, with reference to the value or amount of the suit; the petition shall state distinctly the specific ground or grounds under Clause first of this Section, on which the special appeal is solicited, and shall be presented either by the party in person, or by an authorized pleader of the court. In the latter case, the petition shall be signed by the pleader, who shall certify on the back of the petition that he has duly considered the grounds stated for admitting a special appeal under Clause first of this Section, and believes them to be well founded and sufficient.

Mode of proceeding when a special appeal may be admitted.

Fourth. If on a consideration of the circumstances of the case the court shall see reason for admitting a special appeal on any of the grounds stated in the first Clause of this Section, the appellant shall be required to furnish the prescribed security, and to deposit the amount of the fees payable to his pleader under the rules in force, within a reasonable period to be fixed by the court; when the required security and deposit shall have been duly furnished, the court will admit the special appeal, and proceed to investigate the suit under the same rules as are prescribed for the trial and determination of regular appeals.

Courts authorized to refund a portion of the stamp duties in certain cases when the petition for a spe-

Fifth. If the court shall not see sufficient reason for admitting the special appeal, and shall in consequence reject the petition, the appellant shall not

cial appeal may be rejected.

be entitled to receive back the amount or value of the stamp on which the petition may have been written under Clause third; the courts are, however, vested with a discretionary authority in any particular instance of hardship, to refund any portion not exceeding three-fourths of the amount of such stamp duty, to the party who may have paid the same, or to his legal representative.

All orders passed by competent courts regarding special appeals to be final.

Sixth. It is hereby declared, that the order of a provincial court refusing to admit a special or second appeal under the powers vested in them by this Regulation, as well as the judgments which they may respectively pass on special appeals admitted by them, shall in all cases be final, and shall not be liable to any further revision by a superior court.

Pleaders entitled to certain fees on the rejection of special appeals.

Seventh. When an application for a special appeal presented through an authorized pleader to a provincial court, or to the sudder adawlut, may be rejected by the court, such pleader shall be entitled to receive from the party employing him any remuneration for his trouble, which the court may think proper to adjudge; provided, that such remuneration shall in no case exceed one-fourth of the amount of the fee, to which the pleader would have been entitled had the special appeal been admitted and determined by the Court; nothing in this Section shall be understood to affect any special appeals, which may have been already admitted, and which may be admitted previously to the first day of February 1817, by the provincial courts or the sudder adawlut.

Proviso.

Provisions rescinded.

V. First. Clauses twelfth and thirteenth, Sec-

tion XII, Regulation IV of 1802, and Clause thirteenth, Section X, Regulation V of 1802, and Section XXVIII, Regulation VII of 1809, are hereby rescinded; and the following provisions are enacted in their stead.

Cases in which the sudder adawlut may admit a summary appeal.

Second. It shall be competent to the sudder adawlut to receive a summary appeal from the orders or decrees of the provincial courts in all cases, in which the latter may have refused to admit an original suit or appeal regularly cognizable by them; or having admitted such suit, or appeal, may have dismissed it on the ground of delay, informality or other default, without an investigation of the merits of the case.

Cases in which the provincial courts may admit a summary appeal.

Third. In like manner it shall be competent to a provincial court to receive a summary appeal from the orders or decrees of the zillah courts in cases, in which the latter may have refused to admit an original suit or appeal regularly cognizable by them, or having admitted such suit or appeal, may have dismissed it, without an investigation of the merits on the grounds, of delay, informality or other default.

Cases in which the zillah judges may admit a summary appeal.

Fourth. On the same principle it shall be competent to the zillah judges to receive a summary appeal from the orders or decrees of a register, or sudder ameen, in cases in which the register or sudder ameen may have dismissed, on the grounds of some default, and without an investigation of the merits of the case, any original suit or appeal regularly referred to them.

Limitation of time

Fifth. In all the preceding cases the summary

for the admission of summary appeals.

appeal shall be preferred within the same limited period as is prescribed for the admission of regular appeals, and subject to the provisions contained in the following Clauses.

On what stampt paper the petition for a summary appeal is to be written.

Sixth. Whenever a party may be desirous of preferring a summary appeal in the cases abovementioned, he shall appear either in person, or by a vakeel duly authorized, before the court which under the preceding rules may be competent to receive such appeal, and shall present a petition written on the stampt paper prescribed by Section XX, Regulation XIII of 1816, and accompanied by an attested copy of the order or decree passed in the case.

Party not liable to pay the institution fee nor to furnish the usual deposit or security.

Seventh. The party presenting such petition, shall not be liable to the payment of the stamp duty substituted for the institution fee, by Section XIII, Regulation XIII of 1816, nor shall he be required to furnish the deposit for the fee of his vakeel, or any security, except such as may be eventually necessary under the Regulations in force, for staying the execution of the decree, from which the appeal may be preferred.

Exception.

Mode of proceeding in summary appeals.

Eighth. It shall not be requisite to give any notice to the respondent, or to require his attendance on such summary appeal being preferred, unless in any particular instance the court may deem it proper to adopt that measure, nor shall any pleadings or proceedings be holden on such summary appeal, excepting such as may suffice to determine whether the suit was or was not rejected or dismissed by the lower court on sufficient grounds, and in conformity with the Regulations.

Ninth. If upon such summary proceedings, it shall appear to the court, that the suit was rejected in the first instance, or after having been admitted was dismissed, without an investigation of the merits upon insufficient grounds, or in opposition to the Regulations, it shall be competent to the sudder adawlut, to the provincial courts, and to the zillah judges, respectively, to direct the lower court or officer from whose order or decree the petition of appeal may have been presented, to receive the original suit or appeal, or to revive it if it shall have been received and dismissed, and to try and determine such cause on it's merits, according to the Regulations.

In what cases the lower courts may be directed to receive or revive the suit.

Tenth. If on the contrary such summary appeal shall be found to be groundless and litigious, the sudder adawlut, the provincial courts, and the zillah judges, are respectively authorized and required to reject the petition for a summary appeal, and to impose such fine on the litigious appellant, as may appear to be in each instance proportionable to the condition of the party and to the circumstances of the case; provided that such fine shall in no case exceed the amount of the stamp duty which would have been payable by the appellant on the institution of such case as a regular suit or appeal. All orders imposing fines, or rejecting petitions of summary appeals, which may be passed under this Clause, by the sudder adawlut, the provincial courts, or by the zillah judges, shall be final and conclusive.

In what cases the courts may reject the summary appeal and fine the appellant.

Proviso.

The orders of the courts in such cases to be final.

Eleventh. When a pleader may be employed in such summary appeals, the court is authorized to award to him such fee, as may be considered to be a

Provisions for pleaders fees in such cases.

Proviso.

sufficient compensation for his labour; provided that it shall in no case exceed one-fourth of the fee to which such vakeel would have been entitled, if the suit had been instituted either as an original suit or as a regular appeal.

Provisions rescinded.

VI. First. Section XXII, Regulation II of 1802; Section XXX, Regulation IV of 1802; and Section XXXVII, Regulation V of 1802, are hereby rescinded; and the following rules are substituted in their stead.

Provisions regarding the mode of applying for permission to review judgments from which no appeal shall have been preferred.

Second. Any persons considering themselves aggrieved by a decree passed in a regular civil suit or appeal by a zillah or provincial court, from which decree no further appeal may have been admitted by a superior court, and who, from the discovery of new matter or evidence, which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them, are at liberty to present a petition for this purpose to the court, in which the decree in question may be passed; such petition shall be written on stampt paper of the value prescribed in Section XX, Regulation XIII of 1816, and shall be presented within the period of three calendar months, from the delivery or tender of the decree, which period shall be calculated according to the provisions of Clause tenth, of Section VIII of this Regulation. The courts are nevertheless authorized to admit applications for a review after the period abovementioned, provided that the parties preferring the same shall be able to shew just and reasonable cause to the

satisfaction of the court for not having preferred such application within the limited period; in such case, however, the courts are enjoined to proceed with caution, and to state at large upon the proceedings, their reasons for admitting such applications after the limited period. If the courts shall be of opinion, that there are not any sufficient grounds for a review, they shall reject the petition, and their order to that effect, shall be final; but if on the contrary; they shall be of opinion, that the review desired, is necessary to correct an evident error, or omission, or is otherwise requisite for the ends of justice, they shall report the same to the sudder adawlut, transmitting at the same time, a statement of the grounds of their opinion, with a copy of the petition presented to them, and a copy of the decree passed in the case.

Provisions empowering the sudder adawlut to grant a review.

Third. The court of sudder adawlut, in cases referred to them under the preceding Clause, as well as in all cases, in which a petition may be presented to them for a revision of their own judgments, which may not have been appealed to the Governor General in Council, (or though appealed, the proceedings in which may not have been transmitted to the Governor General in Council), are authorized to grant the review desired, if upon a consideration of the reasons stated, the circumstances of the case shall appear in justice to require it; the sudder adawlut shall record on their proceedings the grounds upon which a review may be granted by them in each instance, and shall issue any instructions regarding the admission or rejection of new evidence in the case, which they may deem just and proper.

The orders rejecting applications for a review not to bar the right of a party to prefer a regular appeal.

Fourth. The order of a zillah court, or of a provincial court, or of the sudder adawlut, rejecting the petition for a review in the first instance, or of the latter court refusing to sanction a review when applied for by a lower court, shall not be construed to preclude the party from instituting a regular appeal (if the case be appealable) in a competent court, subject to the conditions and rules prescribed by the Regulations in force for the admission of such appeals.

An appeal to lie to the sudder adawlut from the provincial courts in all civil suits tried by them in the first instance.

Fifth. It is hereby further declared that an appeal shall lie to the court of sudder adawlut from the judgments passed by the provincial courts in all regular civil suits, which may be tried and determined by them in the first instance.

Modification of certain provisions in force.

VII. First. The rules contained in Sections V and VI, Regulation III, 1802, are hereby declared subject to the following modifications.

Registers not required to file a rejoinder when the defendant may refuse or neglect to do so.

Second. When a defendant in an original civil suit shall refuse, or neglect, to file a rejoinder within the period prescribed for that purpose, it shall not be necessary for the register (as hitherto required) to enter a rejoinder for him, but the court before whom the trial may be depending, after recording such refusal, or neglect, shall proceed in the trial of the suit, in the same manner as if a rejoinder, containing a general denial of the claim, had been regularly filed.

Rules regarding the admission of supplemental pleadings.

Third. From and after the 1st day of February 1817, no supplemental complaint or other supplemental pleadings shall be admitted in any suit,

unless the court, upon a perusal of the pleadings previously filed, and from a consideration of the circumstances alleged by the parties, shall deem it just and proper to admit such supplemental plaint, or other supplemental pleadings to be filed in the suit.

Modification of provisions relative to the admission of regular appeals.

VIII. First. Such parts of Section XII, Regulation IV, 1802, and Section X, Regulation V of 1802, or of other provisions in force, as relate to the admission of regular appeals, are hereby declared subject to the following modifications.

The petition of appeal from the decisions passed in the zillah court may be presented to the judge without an authenticated copy of the decree.

Second. Any party who may be desirous of appealing from a judgment passed against him, from and after the first day of February 1817, by a sudder ameen, a register, or a judge of any zillah court, from which a regular appeal may be admissible under the Regulations, shall be at liberty to present his petition of appeal without an authenticated copy of the decree, to the judge of the zillah, in which the decision may have been passed, such petition of appeal shall not be required to contain the specific grounds or reasons of the appeal, but may state shortly that the party being dissatisfied with the judgment, is desirous of appealing from it. The petition must be written on stampt paper according to the rates contained in Section XIII, Regulation XIII of 1816, and must be accompanied by the prescribed security for the eventual costs in appeal.

The petition need not contain the detailed reasons for the appeal.

But must be written on prescribed stampt paper and accompanied by the requisite security.

The judge may admit the appeal after referring to the original decree. Proviso.

Third. The zillah judge, after referring to the decree in the original record of the suit, shall admit the appeal; provided that the petition of appeal and the security required shall have been duly presented

in the mode above prescribed, within the periods limited for the admission of such appeals under the existing Regulations.

The deposit of pleader's fees to be paid into the court by which the appeal may be tried.

Fourth. The deposit for the pleader's fees prescribed by Section XXIII, Regulation XIV, 1816, in lieu of the security formerly demanded for such fees, is not required to be furnished with the petition of appeal; but in cases in which a pleader shall be appointed to conduct the appeal, the deposit shall be delivered to the court by which the appeal is to be tried.

Appellants authorized to state their reasons of appeal either in the petition or in a separate pleading.

Fifth. The specific objections to the judgment and detailed grounds and reasons for preferring the appeal may be stated at the option of the party, in the original petition of appeal, or may be subsequently filed in the court trying the appeal as a separate pleading; in the latter case such pleading is to be written on the stampt paper, and according to the rates prescribed for other pleadings in Section XIX, Regulation XIII of 1816.

The provisions in the preceding Clauses applicable to appeals from decisions passed by the provincial courts and by the sudder adawlut.

Sixth. In like manner any parties who may be desirous of appealing from the judgments passed by the provincial courts in suits regularly appealable to the sudder adawlut, or from the judgments of the sudder adawlut, in suits which may be regularly appealable to the Governor General in Council, shall be at liberty to present their petition of appeal without an authenticated copy of the decree to the court, by which the judgment may have been passed, in conformity with the provisions contained in the preceding Clauses of this Section,

Seventh. Under the preceding rules, parties in suits decided in the first instance in a zillah court, a provincial court, or the sudder adawlut, will be enabled to prefer an appeal from such decision without the necessity of filing an authenticated copy of the decree; but if any party in a suit, which may be regularly appealable to a provincial court, or to the sudder adawlut, may be desirous, under the option allowed by the Regulations of presenting his petition of appeal in the court by which the appeal is to be tried, rather than in the court by which the decision may have been passed in the first instance, it shall be requisite for such party, to file with his petition of appeal an authenticated copy of the decree.

In what cases it shall be necessary to file an authenticated copy of the decree with the petition of appeal.

Eighth. For the purpose of obtaining an authenticated copy of the decree in such case, the party desiring it shall furnish to the court by whom the decision may have been passed, one, two or more sheets, or rolls, of the stampt paper prescribed in Section XXII, Regulation XIII of 1816, as may be necessary for transcribing the decree.

Parties requiring a copy of a decree to furnish the requisite stampt paper.

Ninth. When such stampt paper shall be furnished, the sherishtadar or such other principal officer, as may be authorized by the court to discharge that duty, shall endorse on it the date of it's being furnished, the name of the party, on whose account it may be presented, and the number of the suit, to which it may be intended to be applicable, and shall grant to the party a corresponding receipt for the same on unstampt paper; the copy of the decree shall then be prepared and duly authenticated, and shall be delivered or tendered to the party by whom the stampt paper may have been furnished, or to his

Courts how to proceed when such stampt paper may be furnished.

vakeel in open court, and the date of the delivery or tender of such copy shall be also endorsed on the copy.

Limitation of time for the admission of appeals how to be calculated in such cases.

Tenth. The respective periods, limited by the Regulations for the admission of appeals in such cases, shall be calculated from the date on which *(the translation required by Clause second, Section* XV, *Regulation* XV, 1816, *is signed and certified by the european courts or the decree is passed by the native courts; vide Section* 11, *Regulation* VI, 1828); excluding from the calculation of such periods, the interval, which may have elapsed in each instance between the date on which the requisite stampt paper may have been furnished by the party to the court, and that on which the copy of the decree may have been tendered or delivered to the party in open court, in the mode prescribed by the Regulations. The courts will in all cases be enabled to ascertain such interval by the endorsements on the copy of the decree required to be made under Clause ninth of this Section.

The provisions of the three preceding clauses applicable to copies of decrees or orders from which a party may desire to prefer a special appeal and a summary appeal.

Eleventh. The principles of the rules contained in Clauses eighth, ninth, and tenth of this Section, are to be considered applicable to all copies of decrees from which a party may be desirous of preferring a special or a summary appeal, and to all copies of orders passed by the judges and registers of the zillah courts, by the provincial courts and by the sudder adawlut, which those courts may be required to furnish to parties under the provisions of any Regulation.

Modification of rules

IX. First. Such parts of the Regulations in

force as require that the pleadings in appealed suits shall be conducted and filed in the same manner and under the same rules as pleadings in original suits, are hereby declared subject to the following modifications.

regarding pleadings in appeals.

Second. In all regular civil suits which may be appealed from and after the first day of February 1817, to a zillah court, to a provincial court, or to the sudder adawlut, it shall be left to the option of the respondent, either to file an answer to the petition and reasons of appeal, or not, as he may judge proper; provided however, that if no answer shall be filed by a respondent, it shall be competent to the court trying the appeal, in all cases in which it may be deemed expedient, to direct the respondent to file an answer to the petition of appeal, or to any particular points in it, which may appear to require an answer or explanation.

The respondent may file an answer to the reasons of appeal or not, at his option.

Proviso.

Third. No further pleadings beyond the answer of the respondent, shall be admitted in any appealed suits which may be instituted from and after the first day of February 1817, except the duplicate of the plaint provided for by Clause first, Section XXIV, Regulation XIII of 1816, or such supplemental pleadings as may be authorized by the court under the provisions of Clause third, Section VII of this Regulation.

No further pleadings beyond the answer to be admitted, with certain exceptions.

X. First. In the trial of original regular suits, as well as in the trial of appeals in such suits, the prescribed pleadings shall be completed and read in open court, before any exhibits are filed, or witnesses summoned in support of the allegations of either of

Pleadings to be read before exhibits are filed or witnesses summoned.

Exception.

the parties; unless special and sufficient reason be assigned for taking the immediate deposition of a witness, without waiting until the pleadings are completed and read in open court.

Courts to require any necessary explanations of the case from the parties or their pleaders.

Second. If from the pleadings in the case the points at issue cannot be clearly ascertained, or if from any other reason further explanations may be requisite, the courts shall on the day on which the suit may be first brought to a hearing, make such enquiries from the parties, or their pleaders as may appear necessary, with a view to ascertain the precise object of the action, and the grounds on which it is maintained, and shall record the result on their proceedings.

The courts to record the points necessary to be established by the parties.

Third. The court shall then consider and record the point or points to be established respectively by the plaintiff or appellant, and by the defendant or respondent, and shall proceed to take the evidence which may be adduced by either party upon such points, in the manner prescribed by the rules in force.

And any additional points which may subsequently appear necessary;

and no evidence to be admitted except with regard to the points so recorded.

Fourth. In like manner, if proof shall be required on any other points in the course of the trial, such points shall be recorded on the proceedings, and the proper party shall be called upon for the requisite evidence; and no exhibit shall be filed or witness summoned, unless expressly declared to be in proof, or refutation of some point, upon which the court may have directed that evidence should be taken.

Evidence of witnesses which may be required in certain

XI. In modification of Section IX, Regulation XII of 1809, it is hereby provided, that whenever

a witness whose evidence may be required by the sudder adawlut, or by a provincial court, may reside at such a distance as to render his attendance before such court inconvenient, or whenever from any cause it may be deemed improper to summon a witness to such court, the sudder adawlut or the provincial court, instead of merely instructing the zillah judge upon what points the witness is to be examined, shall prepare and transmit to the zillah judge distinct written interrogatories to be put to each witness; such interrogatories shall be prepared and signed by the parties or their vakeels under the direction of the court, and shall be countersigned by the judge of the court, who may order the examination. The zillah judge, to whom such interrogatories may be sent, shall in the first instance cause the depositions of the witnesses to be taken in answer to the interrogatories, and shall then allow the parties or their pleaders, in whose presence the witnesses may be examined under Section IX, Regulation XII of 1809, to put any other questions, which may appear relevant to the points at issue in the case.

cases by the provincial courts and sudder adawlut to be taken by the zillah judges on written interrogatories.

XII. First. In order that the parties in a suit, or their authorized pleaders, may be fully prepared to file their exhibits, and to name their witnesses, as well as to furnish any explanations of the case, which may be required, at the time when the suit may first be brought to a hearing, the several courts are enjoined carefully to attend to those provisions in the Regulations, which require that eight days previous notice shall be given to the parties of the day on which the court may propose to bring the suit to a hearing.

Previous notice to be given by the courts of the day on which a suit is to be brought to a hearing.

A notification of the day duly affixed in the cutcherry shall be sufficient notice.

Second. For this purpose it shall be sufficient for the court to affix, in some conspicuous place in the court room, a notification, specifying the number of the suit, the names of the parties and of the vakeels respectively entertained in the suit, together with the date on which it may be intended that such suit shall be brought to a hearing before the court, and such notice shall be held and considered to be in force until the suit can be brought to a hearing, either on the day fixed or any subsequent day.

Courts authorized to fine parties, who may not be prepared to file exhibits or to name their witnesses on the day notified for the hearing of the suit.

Third. If either of the parties in a suit, which may be brought to a hearing, after due notice shall have been given in the manner above prescribed, shall not be prepared to file his exhibits, or the names of his witnesses, or to furnish any explanations of the case which may be required by the court, and shall not assign sufficient and satisfactory reason for the delay, the courts are authorized to impose upon such party such fine as may appear just and proper: provided that the fine shall in no instance exceed one fourth of the fee paid on the institution of the suit, or of the amount of the stamp duty substituted for such fee. If a similar neglect shall occur a second time after due notice shall have been given of the day fixed for the case being again brought forward, the courts are authorized either to impose a second fine under the limitation above prescribed, or to proceed as in other cases of default.

Further penalty on a repetition of similar neglect.

Additional rules regarding security furnished in civil suits.

XIII. First. The following provisions are enacted in addition to the rules now in force regarding the security to be required from parties for the execution

of decrees of the civil courts, or for staying the execution of judgments in the civil suits during an appeal in such suits.

Second. All persons who may enter into security bonds for the purposes mentioned in the preceding clause, are prohibited from transferring, or from causing to be transferred, by sale, gift, mortgage or otherwise, any land or other immoveable property belonging to them, and specified in the schedule of property on which their security may have been accepted, until the object of their security shall have been completely fulfilled.

Sureties prohibited from transferring their rights in any immoveable property on which their security may have been accepted.

Third. This prohibition however shall not be construed to affect the legality of any private transfer or mortgage of such property, in cases in which the amount of any demand on the surety which may eventually arise under the terms of the security bond, shall be duly discharged by him; but it is hereby declared, that no private transfer, or mortgage of such property which may be made by a surety in the interval between the execution of the security bond and the final and complete enforcement of the judgment, shall be considered to bar the prior right of the court to hold the whole or any part of such property answerable in the first instance for the amount of any demand upon it, which may eventually arise under the terms of the security bond and which may not be duly discharged by the surety.

Explaining the purport and intent of the foregoing prohibition.

XIV. First. Such parts of the Regulations as are construed to require, that the decrees passed in civil suits shall be executed and enforced by the courts without any application for that purpose from

Modification of existing rules regarding the execution of decrees.

the parties, are hereby declared subject to the following modifications.

Under what rules the decrees of village and district punchayets are to be enforced.

Second. The execution of decisions passed by village punchayets and district punchayets, which may be required to be carried into effect by the zillah judge, under Regulations V and VII of 1816, shall be subject to the modifications of this Section.

Decrees passed previously to this Regulation being in force, to be executed under the rules heretofore in force.

Third. Decrees which may be passed by the zillah courts, the provincial courts or the sudder adawlut, on regular suits or appeals, previously to the time when this Regulation shall begin to take effect, shall be executed by those courts according to the provisions of the Regulations heretofore in force, and in the same manner as they have hitherto been enforced.

Courts not bound to execute decrees from and after the 1st of February 1817, except in conformity to the following rules.

Fourth. The zillah courts, the provincial courts, and the sudder adawlut, shall not be required to carry into execution any decree, which may be passed in original suits or in appeals, from and after the first day of February 1817, except in conformity with the following rules and provisions.

Parties desiring to have their decree enforced, to present a petition to the Court

Fifth. Any party who may be desirous of obtaining the execution of a decree passed from and after the first day of February 1817, shall appear either in person or by an authorized pleader, before the court by whom such decree may have been passed, or if the decree shall have been passed by a sudder ameen, before the zillah judge, and shall present a petition written on the stampt paper prescribed in Section XX, Regulation XIII of 1816, praying for the execution of the decree.

Sixth. The petition shall state the number of the suit, the names of the parties, the date and substance of the decree, whether any appeal has been preferred or admitted from the decision, and whether any, and what, adjustment of the matter in dispute has been made between the parties subsequently to the decree; it shall further contain a statement of the specific amount due to the petitioner under the decree, whether on account of costs of suit or otherwise, and the name of the individual or individuals, against whom the enforcement of the decree is solicited.

What the petition is to contain.

Seventh. The court, after causing the purport of the petition to be compared with the decree contained in the original record of the suit, shall proceed to execute the same, in conformity with the provisions which are now in force or which may be hereafter enacted.

The court how to proceed in the execution of the decree.

Eighth. Provided however, that if the suit shall have been tried ex-parte, or that an interval of more than one year shall have elapsed between the date of the decree, and the application for it's execution; or that the enforcement of the decree shall be solicited against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if there shall appear reason to believe that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing adjudged, or by the payment of the sum decreed either in whole or in part, by instalments or otherwise, it shall be competent to the court, instead of proceeding to the imme-

In certain cases specified, the court to make previous enquiries and to pass such orders as may appear just and proper with regard to the execution of the decrees.

diate enforcement of the decree, to issue a notice to the party, against whom execution may be sued out, requiring him to shew cause within a limited period to be fixed by the court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not shew sufficient cause to the satisfaction of the court, why the decree should not be forthwith executed, the court will cause the judgment to be satisfied according to the rules in force. If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the court shall issue such order after a due consideration of the circumstances of each case, as may appear just and proper.

Provisions for recovering costs due to Government, and vakeels fees, and for executing decrees in pauper suits.

Ninth. The preceding rules shall not be construed to prevent the courts from issuing process of execution, for the purpose of recovering any fees or costs which may be due to Government, or any fees due to vakeels by a party in a suit, whether decided before or after the first day of February 1817. In such cases, as well as in suits in which a party may have been allowed to plead in formâ pauperis, the court shall proceed without any application from the parties, to enforce execution of the judgment, so far as relates to the recovery of the amount of fees or costs due to Government, or to pleaders in the suit.

Rescinding of provisions requiring all orders and processes of the courts and registers of records to be written and printed in the persian language.

XV. First. Such part of Section XXI, Regulation III of 1802, and such other provisions of the Regulations, as require all orders and processes of the courts, to be written or printed in the persian language, and such part of Section IV, Regulation

XIII of 1802, as requires the keepers of the records to keep a register in the persian language of all the proceedings, documents and other records belonging to the courts to which they may respectively be attached, are hereby rescinded.

Second. The decrees passed by the zillah and provincial courts, and by the court of sudder adawlut, shall be written in english, and shall have annexed or subjoined to them a translation in one of the current languages of the country.

Decrees by the different courts of judicature to be written in english, and translation of the current language of the district to be annexed to them.

Third. The orders passed on miscellaneous petitions presented to a zillah court, shall be written in the current language of the district in which such court is stationed; and english translations of such orders shall be furnished on the special application of the parties presenting the petitions.

Orders on miscellaneous petitions presented to the zillah courts to be written in the current language of the district; and english translations to be furnished on special application.

Fourth. The orders passed on petitions presented to the provincial courts, or to the court of sudder adawlut, shall be written in english, and shall have annexed or subjoined to them a translation in one of the current languages of the country.

Orders passed on petitions by the provincial courts and sudder adawlut, to be written in english, and a translation in one of the current languages of the country to be annexed.

Fifth. The summonses and other processes issued by the several courts, shall be written or printed in one of the current languages of the country.

Processes to be written or printed in one of the current languages of the country.

Sixth. It is to be understood that the country language in which the processes, orders, and decrees are to be written, or into which they are to be translated as above directed, shall be the language most familiar to the party or parties concerned; and if a party shall be desirous of having a persian

The country language in which the processes, &c. are to be written, must be the one most familiar to the parties, and any party preferring a persian translation to be furnished therewith.

translation of a decree or order, instead of a copy or translation thereof in one of the current languages of the country, the court passing the decree or order, shall comply with his application to that effect.

A. D. 1817. REGULATION I.

A REGULATION, for modifying certain parts of Regulation IV of 1812.

RESCINDED by A. D. 1819, *Regulation* VI.

A. D. 1817. REGULATION II.

A REGULATION, for suspending for a certain period the operation of Regulations XIII, XIV and XV of 1816, and for re-establishing certain stamp duties abolished by the first of those Regulations.—Passed by the Right Honorable the Governor in Council of Fort St. George, on the 20th January 1817.

Preamble.

As the stamps described in Clause first, Section V, Regulation XIII, 1816, cannot be prepared, so that the new stampt paper may be transmitted to the several districts under this Presidency, by the period fixed for that Regulation to take effect; as many of

the provisions of Regulations XIV and XV of 1816 are dependent on the operation of Regulation XIII of 1816; and, as it is found expedient to continue the stamp duties established under the provisions of Section II, Regulation VIII of 1808, and Sections XIII, XIV and XV of Regulation II of 1813, and abolished under the provisions of Section II, Regulation XIII of 1816: The Governor in Council has been pleased to enact this Regulation.

II. Regulations IV, V, VIII and XVII of 1808, Section XXXV, Regulation VII of 1809, and Regulation II of 1813, and generally all rules at present in force respecting the duties levied by means of stampt paper and stampt cadjans, and regarding the fees to be paid on the institution of suits, on exhibits and on summonses for witnesses, shall continue in force till the 12th of July 1817, and from and after that date shall be rescinded.

Certain provisions of former Regulations rescinded.

III. The operation of Regulations XIII, XIV and XV of 1816, shall not commence until the 12th of July 1817, from which day they shall be in force.

Regulations XIII, XIV and XV of 1816 not to be in force until the 12th of July 1817.

IV. The following rules shall be in force from and after the 12th of July 1817.

Additional rules to be in force from the same date.

V. First. For all rowannahs permitting the transportation or carriage of any goods, (salt and rice only excepted), to which the seal and signature of any of the *collectors of customs in the provinces subject to the Presidency of Fort St. George, or

Stampt paper to be used for rowannahs.

* *Vide Section* VI, *Regulation* V, 1821.

their officers, are or may be required to be affixed, stampt paper shall be used, and the parties obtaining them shall pay for it at the following rates.

Rates of stamps on rowannahs.

If the value of the goods shall not exceed ten rupees—one anna.

If above ten and not above fifty rupees—four annas.

If above fifty and not above one hundred and fifty—eight annas.

If above one hundred and fifty and not above three hundred—one rupee.

If above three hundred and not above a thousand—two rupees.

If above a thousand and not above five thousand—four rupees.

If above five thousand and not above ten thousand—ten rupees.

If above ten thousand rupees—twenty rupees.

Stampt paper not required for rowannah chittees or teerwa chittees.

Second. Stampt paper shall not be required for exchanged rowannahs and rowannah chittees, or teerwa chittees or passes.

Stampt paper not required for rowannahs for the Company's goods.

Third. Stampt paper shall not be required for rowannahs granted for goods provided for the Company's investment.

VI. *Rescinded by Section* VI, *Regulation* II, 1825.

Stampt paper to be used for tobacco licenses.

VII. Stampt paper shall be used for all licenses for the retail sale of tobacco which may be granted in the provinces of Malabar, Canara and Coimbetore, and the parties obtaining them shall pay for it at the following rates; viz.

Two annas, if the annual average sales do not amount to three maunds.

Rates of stamps on tobacco licenses.

Four annas, if they amount to three, but not to nine maunds.

Eight annas, if they amount to nine, but not to fifteen maunds.

One rupee, if they amount to fifteen maunds.

VIII. All persons who on the 12th day of July 1817 shall have in their possession blank stampt paper, which cannot be used under the provisions thereafter to be in force, on returning such stampt paper to the collector of the zillah, his assistant, or other european officer authorized to dispose of stampt paper, shall be entitled to receive back the duty which may have been paid thereon.

The former descriptions of blank stampt paper may be returned to the collector, who will pay back the duty.

A. D. 1817. REGULATION III.

A Regulation, for explaining and modifying certain provisions of Regulations IX, X and XI of 1816.—Passed by the Right Honorable the Governor in Council of Fort St. George, on the 3d February 1817.

With the view of removing certain doubts concerning the degree of communication between the criminal judge and the magistrate permitted under the provisions of Regulations IX and X of 1816, and of obviating the public inconvenience and other evils which in cases of emergency might result from

Preamble.

the want of authority in the criminal judge to command the services of the police during the absence of the magistrate and of his assistant: The Governor in Council has passed this Regulation.

The criminal judge may call for such documents as are deficient.

II. The criminal judge may call for any documents required to be transmitted to him by the magistrate under Section XXV, Regulation IX of 1816, or by a police officer under Section XXVII, Regulation XI of 1816, which may not be so transmitted. And it is hereby declared that nothing in the existing Regulations is intended to prohibit a full and free communication between the criminal judge and the magistrate on all subjects connected with the discharge of their respective duties, in those capacities.

A full and free communication to take place between criminal judges and magistrates on all subjects connected with their duties.

Criminal judge authorized to act for the magistrate in certain cases.

III. In any case requiring the immediate interference of the magistracy, when there may not be a magistrate or assistant magistrate present at the zillah station, it shall be competent to the criminal judge to do all acts necessary for preserving the public peace or securing public offenders which it would be competent to the magistrate in such case to do; and it shall be the duty of all police officers to afford him the most prompt and effectual aid.

A. D. 1817. REGULATION IV.

A Regulation, for rescinding Regulation V of 1812, and reviving the jurisdiction of the zillah of

South Malabar over the town of Cochin and its dependencies.

Omitted under A. D. 1821, Regulation I.

A. D. 1817. REGULATION V.

A Regulation, for providing a succession of hindoos and mahomedans duly qualified to be employed as law officers and as vakeels in the courts of udawlut under the Presidency of Fort St. George.—Passed by the Right Honorable the Governor in Council, on the 19th May 1817.

Preamble.

The Right Honorable the Governor in Council having been pleased to sanction certain rules of the college of Fort St. George, which provide for the establishment of native classes to study the hindoo and mahomedan law and the regulations passed by Government, and for the periodical examination of the students in those classes, and of such other natives as have prosecuted their studies in the provinces subject to this Government and may be desirous that their knowledge and qualifications for public employment should be ascertained in that manner; and it being deemed expedient, as well with the view of promoting the study of the laws and the acquirement of general knowledge among the natives of India, as for the purpose of affording aid and facility towards the administration of justice, that no persons should hereafter be appointed law

officers or vakeels in the courts of udawlut under this Presidency, who may not have received certificates of qualification from the college of Fort St. George: The Right Honorable the Governor in Council has been pleased to enact the following rules, to be in force from and after the date of their promulgation.

Such persons only to be appointed law officers as have obtained certificates of qualification from the college of Fort St. George.

II. No person shall be appointed to be a hindoo or mahomedan law officer in any of the courts of udawlut under this presidency, who shall not have obtained from the college of Fort St. George a certificate of qualification in the form A, contained in the appendix to this Regulation.

Such persons only to be admitted pleaders as have obtained certificates of qualification from the college.

III. No person shall be admitted to practice as a pleader in any of the courts of udawlut under this presidency, who shall not have obtained from the college of Fort St. George a certificate of qualification according to some one of the forms B, C or D in the appendix to this Regulation.

Pundits or moulavies having certificates of qualification as pleaders, shall be entitled to a sunnud from the sudr udawlut.

IV. First. Any person who shall have received from the college the certificate B shall, on applying for the same, be entitled to receive from the court of sudr udawlut a sunnud according to the form E in the appendix to this Regulation, authorizing him to act as a vakeel in any of the provincial or zillah courts; and the production of such sunnud shall entitle such person to be admitted to practice in any of those courts accordingly: provided that every such person so admitted shall be subject to all the rules in force for the guidance of vakeels and shall be further liable to be deprived of the sunnud granted to him by the sudr udawlut for any misconduct, which

And in virtue thereof shall be admissible to plead in the courts.

may appear to that court to render him unworthy of the privilege conferred thereby.

Pundits or moulavies admitted to plead shall, under certain circumstances, be considered as retained by Government.

Second. So long as persons admitted to plead in the courts of udawlut under the provisions of this Section shall receive pay from the college of Fort St. George, and no longer, they shall be prohibited from giving advice to parties opposed to Government in any civil suit or proceeding, or from being concerned directly or indirectly in behalf of such parties.

Rules under which pundits or moulavies practicing as pleaders are to be associated with or substituted for the government vakeel.

Third. It shall be competent to the board of revenue, the board of trade, or any other authority entrusted with the management of any suit on the part of Government, to associate with the established vakeel of Government any one of the persons admitted to plead under the provisions of this Section, in any suit arising in the court in which such person may be admitted to plead; and the vakeel so associated shall be furnished with a vakalutnamah duly authenticated and shall be entitled to receive fees equal to one half of the fees established for pleaders by Regulation XIV of 1816; and it is hereby further provided, that in all cases wherein, from the absence or indisposition of the government pleader, the management of a cause may devolve altogether, or in a great measure, upon the pleader so associated with the government pleader, the court before whom the suit shall be tried, shall be authorized to divide, in such proportion as may appear just, the established fees payable to the government vakeel, between the government vakeel and the vakeel associated with him.

The provisions of this Regulation not to affect pleaders admitted before this enactment takes effect.

V. Provided always that none of the foregoing provisions shall be construed to affect the just pretensions of the pleaders heretofore admitted and now practicing in any of the courts of judicature, or to hinder their promotion from the zillah to the provincial courts, or their appointment to any office or employment, for which they may be qualified.

APPENDIX—*Omitted.*

A. D. 1817. REGULATION VI.

A REGULATION, for declaring the provisions of Section IX, Regulation XIII of 1816, not applicable to deeds and instruments executed previously to the 12th of July 1817; and for reviving the operation of Regulation VIII of 1808, and Regulation II of 1813, with respect to deeds and instruments executed between the 1st of January 1809 and the 12th of July 1817.—Passed by the Governor in Council of Fort St. George, on the 30th September 1817.

Preamble.

WHEREAS it is enacted by Section IX, Regulation XIII of 1816, that, from and after the period fixed for the operation of that Regulation, no deeds or instruments of the several descriptions enumerated in the said Section shall be received or filed in any court of judicature, unless the same shall have been written on paper or other material bearing the prescribed stamp; and whereas it is expedient to

declare that the provision above recited is not intended to affect any deeds or instruments executed prior to the date on which Regulation XIII of 1816 commenced operation, and also to restore the law to it's former state with respect to all deeds and instruments executed between the 1st of January 1809 and the 12th of July 1817: The Governor in Council has enacted the following rules.

II. It is hereby declared that the provisions of Section IX, Regulation XIII of 1816, are not intended to apply to any deeds or instruments executed prior to the 12th of July 1817.

Section IX, Regulation XIII, 1816, not applicable to deeds executed before the Regulation took effect.

III. In modification of such part of Section II, Regulation XIII of 1816, as rescinds Regulation VIII of 1808, and Regulation II of 1813, it is hereby enacted that the provisions of those Regulations shall still be applied to all deeds and instruments executed between the 1st of January 1809 and the 12th of July 1817.

Former stamp Regulations revived with respect to deeds executed while they were in force.

A. D. 1817. REGULATION VII.

A REGULATION, for the due appropriation of the rents and produce of lands granted for the support of mosques, hindoo temples and colleges, or other public purposes; for the maintenance and repair of bridges, choultries or chuttrums, and other public buildings; and for the custody and disposal of escheats.—Passed by the Governor in

Council of Fort St. George, on the 30th September 1817.

Preamble.

WHEREAS considerable endowments have been granted in money, or by assignments of land, or of the produce or portions of the produce of land, by former Governments of this country, as well as by the British Government and by individuals, for the support of mosques, hindoo temples, colleges and choultries, and for other pious and beneficial purposes; and whereas there are grounds to believe, that the produce of such endowments is in many instances appropriated, contrary to the intentions of the donors, to the personal use of the individuals in immediate charge and possession of such endowments; and whereas it is the duty of the Government to provide that all such endowments be applied according to the real intent and will of the grantor; and whereas it is moreover expedient to provide for the maintenance and repair of bridges, choultries, chuttrums and other buildings, which have been erected either at the expense of Government, or of individuals, for the use and convenience of the public; and also to establish proper rules for the custody and disposal of escheats: The following rules have been enacted, to be in force from the date of their promulgation throughout the provinces immediately dependent on the presidency of Fort St. George.

The general superintendence of all endowments in land or money granted for the support of mosques, &c. and of bridges, choultries and other public

II. The general superintendence of all endowments in land or money granted for the support of mosques, hindoo temples or colleges, or for other pious and beneficial purposes; and of all public buildings, such as bridges, choultries or chuttrums,

and other edifices, in the several provinces dependent on the presidency of Fort St. George, is hereby vested in the board of revenue.

buildings, vested in the board of revenue.

III. It shall be the duty of the board of revenue to take such measures as may be necessary to ensure that all endowments made for the maintenance of establishments of the description abovementioned, are duly appropriated to the purpose for which they were destined by the Government, or the individuals by whom such endowments were made. In like manner it shall be the duty of that board to provide, with the sanction of Government, for the due repair and maintenance of all public edifices which have been erected at the expense either of the former or present Government, or of individuals, and which either are or can be rendered conducive to the convenience of the community.

The board to take measures for the due appropriation of such endowments, and for the due repair of public edifices.

IV. In those cases, however, in which any of the buildings specified in the preceding Section have fallen to decay, and cannot be conveniently repaired, or are not calculated, if repaired, to afford any material accommodation to the public, the board of revenue shall submit to Government their opinion as to the most expedient mode of disposing of such buildings; and they shall be sold on the public account, or otherwise disposed of, as the Governor in Council may determine.

Buildings fallen to decay or not calculated to be useful if repaired, how to be disposed of.

V. Under the foregoing rules it will be incumbent on the board of revenue to prevent any endowments in land or money, which have been granted for the support of establishments of the above description, or any public edifices, from being converted to the

The board to prevent endowments in land or money and public edifices from being appropriated by individuals to private uses.

private use of individuals or otherwise misappropriated.

The general superintendence of escheats vested in the board of revenue.

VI. The general superintendence of all escheats is likewise hereby vested in the board of revenue, who will, through the channel hereafter mentioned, inform themselves fully of all property of that description, and submit to Government their opinion as to the most expedient mode of disposing thereof; and the same shall be sold on the public account, or otherwise disposed of, as the Governor in Council may determine.

Local agents to be appointed to enable the board to carry into effect the duties hereby entrusted to them.

VII. To enable the board of revenue the better to carry into effect the duties entrusted to them by this Regulation, local agents shall be appointed in each zillah, subject to the authority, control and orders of that board.

The collector of the zillah to be ex-officio an agent, with such others as may be deemed expedient.

VIII. The collector of the zillah shall be ex-officio, one of those agents; and the Governor in Council when he deems it necessary, may appoint any other public officer or officers from the civil, military or medical branch of the service, to act in conjunction with him.

Such agents to ascertain the particulars of all endowments, buildings, or escheats, and report to the board of revenue.

IX. Under the provisions of the present Regulation, it will be the duty of the local agents to obtain full information from the public records and by personal enquiries respecting all endowments, establishments, and buildings of the nature of those before described, and respecting all escheats; and to report to the board of revenue any instance in which they may have reason to believe that lands or buildings, or the rent or revenues derived from lands are

unduly appropriated; being in all cases careful not to infringe any private rights or to occasion unnecessary trouble or vexation to individuals.

X. The said local agents shall further ascertain and report to the board of revenue the names of the present trustees, managers or superintendents of the several institutions, foundations or establishments above described, together with other particulars respecting them; and by whom and under what authority they have been appointed or elected, and whether in conformity to the special provisions of the original endowment and appropriation by the founder, or under any general rule or maxim applicable to such institutions and foundations.

The agents to ascertain and report the names, &c. of the present trustees or managers of such institutions and by what authority appointed.

XI. The local agents shall also report to the board of revenue all vacancies and casualties which may occur, with full information of all circumstances, to enable that board to judge of the pretensions of the person or persons claiming the trust, particularly whether the succession has been heretofore by inheritance in the line of descent; or whether the successor has been in former instances elected and by whom, or whether he has been nominated by the founder, or his heir or representative, or by any other individual patron of the foundation, or by any officer or representative of Government, or directly by the Government itself.

The agents to report to the board of revenue all vacancies or casualties which may occur, with full information as to the pretensions of claimants.

XII. In those cases in which the nomination has usually rested with the Government, or with a public officer, or in which no private person may be competent and entitled to make sufficient provision for the succession to the trust and management, it,

The agents to recommend fit persons for the confirmation of the board of revenue in cases wherein the right of nomination appertains to Government.

will be the further duty of the local agents to propose for the approval and confirmation of the board of revenue, a person or persons for the charge of trustee, manager or superintendent: strictly attending to the qualifications of the person or persons selected, and to any special provisions of the original endowment and foundation, and to the general rules or the known usages of the country applicable to such cases.

The board to appoint such persons or make such other provision for the trust as they may deem fit with reference to the conditions of the endowments.

XIII. On the receipt of the report and information required by the preceding Clause, the board of revenue shall either appoint the person or persons nominated for their approval, or shall make such other provision for the trust, management or superintendence as may to them seem right and fit with reference to the nature and conditions of the endowment, having previously called for any further information from the local agents that may appear to them to be requisite.

Individuals deeming themselves injured by any orders passed under this Regulation, not precluded from suing for recovery of their rights or for damages in the manner prescribed in the Regulations.

XIV. Nothing contained in this Regulation shall be construed to preclude any individual, who may conceive that he has just grounds of complaint on account of any orders which may be passed by any of the beforementioned authorities, with respect to the appropriation of any lands or buildings, or of any rents and revenues from lands of the nature of those before described, from suing in the mode and form prescribed by the Regulations, where Government or public officers are parties; or under the general provisions of the Regulations, if the suit be brought against a competitor or other private person, for the recovery thereof in the regular course of law, or for compensation in damages for any loss or

injury supposed to have been unduly sustained by him.

XV. It is to be clearly understood, that the object of the present Regulation is solely to provide for the due appropriation of lands, or other endowments granted for public purposes agreeably to the intent of the grantor, and not to resume any part of them or of their produce, for the benefit of Government. In like manner it is fully intended, that all buildings erected by any former or the present Government, or by individuals for the convenience of the public, should be exclusively appropriated to that purpose, with the exception of such as have fallen to decay and cannot be conveniently repaired, or which can no longer contribute to the accommodation of the community.

The object of this Regulation is solely to provide for the due appropriation of endowments granted or buildings erected for public purposes.

XVI. The legislative provisions now in force or which may hereafter be enacted for the punishment of fraud or embezzlement in the native servants of Government employed under the collector in the department of land revenue, shall be held applicable to all native servants, and to all trustees, managers or superintendents employed in or charged with the settlement, custody or appropriation of the revenues, funds or other property of the public institutions referred to in this Regulation.

Native servants, trustees, managers or superintendents guilty of fraud or embezzlement, how to be punished.

A. D. 1817. REGULATION VIII.

A REGULATION, for expediting the trial of civil

suits in which the native officers and soldiers attached to regular corps on the military establishment of the presidency of Fort St. George, may be parties; and for giving to them certain facilities in the maintenance and recovery of their rights, claims and interests.—Passed by the Governor in Council of Fort St. George, on the 9th December 1817.

Preamble.

WHEREAS the native officers and soldiers on the military establishment of the presidency of Fort St. George are liable to be stationed at places remote from their homes and families; and whereas the impracticability of granting to such native officers and soldiers frequent or prolonged leave of absence from their military duties, has caused to them material difficulty and embarrassment in maintaining and recovering their just rights, claims and interests; and whereas the fidelity and courage exhibited by the native troops, in various wars on the continent of India, and the zeal and alacrity which they have uniformly displayed in voluntarily embarking on foreign expeditions, entitle them to the favourable consideration of Government: The Governor in Council, with the view of manifesting his sense of their good conduct and of affording to them every every facility in the maintenance and recovery of their rights, claims and interests, which can be granted consistently with a due regard to the fundamental principles established for the administration of civil justice, and for the collection of the land revenue, has enacted the following rules, to be in force from the period of their promulgation, throughout the territories dependent on the presidency of Fort St. George.

II. Such parts of the Regulations in force as prohibit the courts of civil justice from corresponding by letter with parties in depending suits, or direct that no pleadings shall be received in any civil cause except from the parties or their authorized pleaders; such parts of the Regulations in force as require generally, that depending causes shall be brought to trial according to the order in which they may stand on the file; and such parts thereof as prohibit the courts from furnishing copies of decrees, or from receiving mokhtarnamahs on any other paper than the prescribed stampt paper, are hereby declared to be subject to the modifications contained in the following Sections of this Regulation.

Provisions of certain Regulations modified.

III. First. Whenever a native officer or soldier on the military establishment of the presidency of Fort St. George shall be desirous of instituting a regular or summary suit in any zillah or provincial court, and shall not be able to obtain a furlough or leave of absence for the purpose of superintending or conducting such suit in person, he shall be at liberty to execute a mokhtarnamah or power of attorney, drawn up according to the form No. 1 in the appendix to this Regulation, authorizing and appointing any member of his family or other person to institute and carry on the suit, and to perform all acts in the original trial of the cause, and eventually in appeal, in the same manner as if the party were himself personally present and consenting.

Native officers and soldiers may appoint attornies to transact business for them in the provincial and zillah courts.

Second. Such mokhtarnamah shall not be required to be written on stampt paper, but shall be executed by the native officer or soldier in the presence of the commanding officer of the corps or

The mokhtarnamah not to be on stampt paper.

detachment, to which he may belong, who shall countersign the same in testimony of it's having been voluntarily executed.

The mokhtarnamah to be transmitted in a prescribed form by the commanding officer of the party, to the court.

Third. The mokhtarnamah so executed is to be transmitted by the commanding officer under cover of a public letter drawn up in the form No. 2 of the appendix, addressed to the register of the court in which the suit is to be instituted, and upon the receipt of such letter, a notice shall be issued by the court for the purpose of procuring the attendance, either personally, or by a constituted vakeel of the person nominated in the mokhtarnamah.

If the person nominated decline or be unable to act, information thereof to be communicated by the court in a prescribed form.

Fourth. If such mokhtar shall refuse to attend the court in person, or by a constituted vakeel, or shall decline to undertake the trust, or having undertaken it shall subsequently die, or be prevented by any sufficient cause from discharging the duty confided to him, the court shall cause information of the same to be communicated to the native officer or soldier, by an extract from their proceedings enclosed in an official letter to be addressed to the commanding officer of the corps.

The mokhtarnamah to be filed of record.

Fifth. If the appointed mokhtar shall attend the court in person, or by a constituted vakeel, and shall consent to undertake the duty confided to him, the original mokhtarnamah shall be deposited in the court and shall form part of the record of the cause.

The suit to be tried under the general regulations.

The suit shall be instituted, tried and determined in conformity with the general rules in force for the institution and trial of other similar suits; provided, however, that in all cases where the native officer or soldier, who may be the principal in the suit,

If the party be not present, copy of the decree how to be communicated to him.

shall not be himself present at the time of it's decision, an authenticated copy of the decree written on unstampt paper, shall be transmitted by the court, to the commanding officer of the corps or detachment, for the purpose of it's being communicated to the native officer or soldier.

Sixth. It is hereby explained that no part of the preceding Clauses, or of the subsequent provisions of this Regulation, is intended to be applicable to claims originating in loans granted by a native officer or sepoy, or in pecuniary transactions of a commercial nature.

These provisions not applicable to claims originating in loans or commercial transactions.

IV. First. For the purpose of ensuring the due communication to all native officers and sepoys of the summons or other notice of the institution of suits against them so as to prevent as far as possible such suits from being brought to trial ex-parte ; it is hereby enacted that in all such suits the plaint or petition of appeal shall contain a declaration that the defendant or respondent is a native officer or soldier, and all plaintiffs or appellants who shall knowingly and intentionally omit to make such statement, are hereby declared liable to be fined in such sum as the court before whom such pleadings may be filed shall deem equitable, not exceeding one fourth of the institution fee or stamp duty in each case ; and it is further provided, that the plaintiff or appellant shall state in his plaint or petition of appeal, to the best of his knowledge or belief, the particular regiment or corps to which such native officer or sepoy may belong, or in the event of his being unable to specify the same, then it shall be the duty of the court before whom the suit is filed, to endeavour to ascertain the point.

Rules to be observed with the view of obviating the necessity of ex-parte trials in causes wherein native officers or soldiers are defendants.

A notice in the usual form to be transmitted to the commanding officer.

Second. A notice in the usual form, together with a copy of the plaint or petition of appeal on unstampt paper, enclosed in an official letter drawn up according to the form No. 3 of the appendix, shall be then transmitted by the court to the commanding officer of the corps, for the purpose of their being communicated to the native officer or soldier against whom the suit may have been instituted: a similar notice shall be issued, when omitted in the first instance, from ignorance of the defendant's being a native officer or soldier, attached to a regular corps, if at any subsequent period during the trial of the suit it should appear to the court, that the defendant or respondent is a native officer or soldier as above described.

The commanding officer on receipt of the notice will cause it to be duly served.

Third. The commanding officer shall, if practicable, cause the notice to be served on the party to whom it is addressed, and shall then return it to the court from whom it issued, with the written acknowledgment of the party endorsed thereupon, together with the mokhtarnamah, according to the form No. 1 in the appendix, if the party should have appointed an attorney to defend the suit in his behalf. If from whatever cause the notice transmitted to the commanding officer cannot be served upon the native officer or soldier, to whom it is addressed, it shall be returned by the commanding officer to the court from whom it had been received, with information of the cause which had prevented the service of it. In such case of non-service of process, the court shall make such further reference or shall adopt such other measures in order to the due service of such process, as may appear to be proper and consistent with the Regulations.

The court how to proceed if the notice cannot be served.

V. First. When a native officer or soldier may obtain a furlough for the purpose of instituting or defending a civil suit in any of the zillah or provincial courts, he shall be furnished by the commanding officer of the corps or detachment, with an official letter addressed to the register of the court in which the suit is to be tried; such letter shall be drawn up according to the form No. 4 of the appendix to this Regulation, but it shall not give cover to any petition, nor contain any statement or explanation of the merits or circumstances of the case.

Communications to be made by commanding officers of leave of absence granted to native officers or soldiers to enable them to conduct their own suits.

Second. Such letter shall be delivered in person by the native officer or soldier to the court, who are hereby authorized, at the request of the party, to nominate a vakeel of the court to aid in preparing the pleadings and generally in conducting the prosecution or defence of the suit. The court shall at the same time cause the native officer or soldier to be duly apprized of the provisions contained in Regulation XIV of 1816, and in any other Regulation in force, relative to the duties, and established fees of pleaders, and of the necessity of conforming thereto in the event of his employing a pleader.

The court authorized to nominate a vakeel on behalf of the native officer or soldier.

VI. Nothing contained in the preceding Section shall be construed to prohibit a native officer or soldier, from pleading his cause in person, or from employing any authorized pleader of the court, instead of applying to the court to nominate a vakeel to act on his behalf.

A native officer or soldier not prohibited from pleading in person, or appointing their own pleaders.

VII. First. The zillah and provincial courts are hereby authorized and required to bring to a hearing, without regard to the order in which they may be

Suits instituted under this Regulation to be tried forthwith.

filed, all suits in which a native officer or soldier, who may have obtained leave of absence from his corps, may be a party, and to pass a decision thereon as speedily as may be consistent with the due administration of justice.

The courts may extend the officer's or soldier's leave of absence under certain rules.

Second. If the cause cannot be brought to a decision previously to the expiration of the furlough granted to such native officer or soldier, the court before whom the suit may be depending, is hereby vested with a discretionary authority to grant to such native officer or soldier, an extension of his leave of absence for a period sufficient to admit of a reference being made to the commanding officer of the corps, for the purpose of ascertaining whether the furlough can be prolonged for any further specific period. But whenever a judge or register may exercise the discretionary power above vested in him, he shall be careful to make the reference immediately in an official letter to the commanding officer of the corps to which the native officer or sepoy may be attached.

Native officers or soldiers quitting the court station before the determination of the suits, may appoint attornies in their behalf.

Third. A native officer or soldier returning to his corps before a final decision has been passed in his suit, shall be at liberty to leave the further conduct of the suit, either to a mokhtar duly constituted under a mokhtarnamah executed according to the form No. 1 in the appendix to this Regulation, or to one or more of the established pleaders of the court empowered to act for him by a regular vakalutnamah.

Notice to be given whenever land or other real property

VIII. Whenever any land or other real property belonging to a native officer or soldier may be at-

tached by a court of justice, for the purpose of realizing the amount of any judgment, fine or penalty imposed on such native officer or soldier, the court shall cause notice of the same to be issued in the manner prescribed in Clause second, Section IV of this Regulation, and shall postpone the sale for such definite period as may appear reasonable, for the purpose of affording an opportunity to the native officer or soldier to discharge the amount of the judgment, fine or penalty.

belonging to a soldier or native officer is attached by courts.

IX. First. Any registered proprietor of an estate paying revenue to Government, who may be entertained as a native officer or soldier on the military establishment under the presidency of Fort St. George, shall be at liberty to notify to the collector the rank which he may hold and the designation of the corps to which he may be attached. A record of such notification shall be inserted by the collector in the public registers and accounts relative to the estate and it's assessment, and in cases in which the estate, or a portion of the estate of a native officer or soldier, who may have made such notification, shall become liable to public sale for the recovery of an arrear of revenue, the collector shall address an official letter to the commanding officer of the corps, drawn in the form prescribed in No. 5 of the appendix to this Regulation; and shall enclose in such letter a written notice, signed and sealed by himself and attested by the principal native officer on his establishment, specifying the amount of the arrear, and the date on which it became due, and requiring that it be paid at the treasury of the collectorship, within such limited period of time as, on consideration of the distance at which the corps may be

Proprietors of malgeozaree estate being native officers or soldiers may register themselves as such on application to the collector.

Collectors how to proceed if such landed property become liable to sale for arrear of revenue.

stationed, and other circumstances of the case, may appear to be proper and reasonable.

The commanding officer how to proceed on receiving the collector's notice.

Second. The commanding officer of the corps shall acknowledge to the collector the receipt of his letter, and shall specify the date on which the notice may have been communicated to the party, or the circumstances which may have rendered it impracticable to make such communication.

Collectors how to proceed in cases where arrears may not be discharged within a specified time.

Third. If the native officer or soldier shall omit to discharge the arrear within the term specified in the notice, the collector shall report the circumstances of the case to the board of revenue, transmitting at the same time a copy of the notice and of his correspondence with the commanding officer, and shall be guided in his further proceedings by the orders which he may receive in each case from the board.

Commanding officers not to correspond with courts on the merits of cases.

X. First. Nothing contained in this Regulation shall be construed to authorize the commanding officer of any corps or detachment to correspond with the civil courts or with the collectors, regarding the merits of any judgment or order, passed by those authorities respectively under the provisions of this Regulation.

This Regulation not applicable to irregular troops.

Second. Nothing contained in this Regulation shall be construed to modify, or to affect the existing rules for the trial of civil suits, in which persons who may have been discharged from the service, or who may be attached to provincial battalions, or to local or irregular corps, or who may be camp followers, or non-combatant retainers of the army, or who may

be relations, or members of the family of a native officer or soldier, may be parties: the foregoing provisions of this Regulation are to be considered as strictly and exclusively applicable to native officers or soldiers, who may be entertained in regular corps and on the actual strength of the army, on the establishment of the presidency of Fort St. George.

APPENDIX—*Omitted.*

A. D. 1818. REGULATION I.

A REGULATION, to provide for the more effectual administration of criminal justice in certain cases, and to alter certain provisions of the Regulations in force.—Passed by the Governor in Council of Fort St. George, on the 28th January 1818.

Preamble.

IT having been deemed expedient to vest the court of foujdary adawlut with discretion to pass sentence of punishment in cases wherein, although the futwah of the law officers may not declare the prisoner to be guilty of the fact or facts charged against him, or liable, on strong presumption, to discretionary punishment, the judges of that court may be of opinion that the proof against the prisoner is sufficient to convict him of the whole or any part of the charge; and it having been also considered expedient to modify the mohummudan law, as well as in cases of zena or whoredom, as in cases of kutl-i-khuta or accidental homicide; as also to dispense with

the process of "godna" in cases of conviction of the crime of perjury, subornation of perjury, or forgery; and further to declare that all rewards offered for the apprehension of proclaimed robbers shall be payable on the delivery of their persons to the zillah magistrate by whom they may have been proclaimed, or to the magistrate within whose jurisdiction they may have been apprehended: the following rules have been enacted.

In what cases the court of foujdary adawlut may pass a sentence of conviction and punishment, notwithstanding a futwah of acquittal by the law officers of that court, without requiring a second futwah.

II. First. In all trials referred to the foujdary adawlut when the futwah of the law officers of that court may acquit a prisoner of the whole or any part of the charge preferred against him, and two or more judges of that court, on a deliberate consideration of the circumstances of the case in evidence before them, shall concur in opinion that the proof against the prisoner is sufficient to convict him of the whole or any part of the charge, the judges so concurring in opinion, provided the penalty to be adjudged on proof of the commission of the offence shall have been specially denounced in any subsisting Regulation, are hereby declared competent to convict and sentence the prisoner to suffer the punishment so prescribed by the Regulations, in like manner as if he had been declared convicted by the futwah of the law officers.

Cases in which the law officers shall be called upon to give a second futwah.

Second. If the penalty to be adjudged on proof of the commission of the offence shall not have been specially denounced by any subsisting Regulation, the judges of the foujdary adawlut shall require the law officers to declare by a second futwah to what sentence the prisoner would have been liable under the mohummudan law if he had been convicted by

full legal evidence, and shall proceed thereupon to pass sentence according to such second futwah, commuting the punishment if any Regulation require it.

Rules for the law officers of the court of circuit in delivering their futwah in trials for offences within the provisions of the mohummudan law for cases of *zena* and *fiâl-i-shuneea*.

III. First. In trials before the courts of circuit for adultery, rape, or any other offence within the provisions of the mohummudan law for cases of *zena* and *fiâl-i-shuneea*, the futwah of the law officer of the court of circuit before which the trial may be held shall declare only whether the prisoner be legally convicted, or, if not, whether there be strong grounds of presumption that he is guilty of the crime charged against him.

Judge of circuit how to proceed, where the futwah shall declare the prisoner legally convicted, or that there is strong presumption of his guilt, and the judge shall concur in the futwah.

Second. If the futwah so given shall declare the prisoner legally convicted, or that there is strong presumption of his guilt, the judge of circuit, provided he concur in the opinion declared in the futwah, shall either pass sentence against the prisoner or refer the trial for the sentence of the foujdary adawlut, according as the circumstances of the case shall appear to render it referrible or otherwise, under the Regulations in force.

Whenever a prisoner may be convicted of the crime of rape, proceedings to be referred to the foujdary adawlut.

Third. If the prisoner be convicted, either on full legal evidence or on strong presumption, of the heinous crime of rape, the judge of circuit shall not pass any sentence, but shall refer the trial for the sentence of the foujdary adawlut.

In cases of adultery, charge by whom to be preferred.

Fourth. In cases of adultery it shall be requisite that the charge be made and prosecuted exclusively by the husband against the wife, or by the wife against the husband.

Rule to be observed in all cases of homicide where there may be proofs of a previous malignant intention.

IV. First. After the date fixed for the operation of the penal Clauses of this Regulation, any person who may be convicted of having subsequently thereto, deliberately and maliciously intended to murder one individual and of having, in the prosecution of such intention, caused the death of the person whom he had intended to murder in a manner different from that in which he had intended to cause his death, (as where the instrument of perpetration may pass by the person aimed at and kill him on a rebound), or of having accidentally killed another individual, shall be liable to suffer capital punishment, in like manner as if the act had been committed as originally intended by him. In all such cases the courts of circuit, provided they concur in the conviction of the prisoner, shall transmit their proceedings to the court of foujdary adawlut, the judges of which court, if they consider the prisoner to be convicted of such murderous intention and subsequent actual homicide, shall require their law officers to declare, by a second futwah, to what punishment the prisoner would have been liable if the homicide had been committed as intended by the prisoner; and if their futwah shall declare him in such case liable to suffer death, or if under the futwah so given and the modifications of the mohummudan law contained in the Regulations, the prisoner be liable to suffer capital punishment, the court of foujdary adawlut shall proceed in the case as prescribed by the Regulations in force.

The principle of the preceding rule to be observed in all cases of corporal injury where there may be proof of a previous malignant intention.

Second. In like manner after the date fixed for the operation of the penal Clauses of this Regulation, any person who may be convicted of having subsequently thereto unlawfully and maliciously intended to wound, maim, or otherwise do corporal

injury to one individual, and of having in the prosecution of such intention, wounded such individual in a manner different from that in which he had intended to wound him, (as where the instrument may pass by the person aimed at and wound him on a rebound) or of having accidentally wounded, maimed, or otherwise corporally injured another individual, shall be held punishable for the act committed by him with such unlawful and malicious intention, in like manner as if such act had been committed as intended by him. The law officers of the court of circuit shall in such cases be required to state the punishment to which the prisoner would have been liable if he had committed the act as intended by him, and the courts of circuit shall pass sentence accordingly, or refer the trial to the court of foujdary adawlut, as the case may be referrible or otherwise, under the general Regulations.

Third. In trials referred under the preceding Clause to the court of foujdary adawlut, the law officers of that court shall declare to what punishment the prisoner would have been liable if the act of which he is convicted had been committed as intended by him; and the court, after considering such futwah, with the whole of the circumstances of the case in evidence before them, shall proceed according to the provisions of the general Regulations.

Procedure of the court of foujdary adawlut when trials may be referred to that court under the preceding Clause.

Fourth. The provisions contained in Clause second, Section XV, Regulation VII of 1802, regarding kutl-i-khuta and other cases of accidental homicide, are to be considered to be in force as heretofore with regard to all cases of accidental homicide not coming within the intent and meaning of the first

Former provisions respecting kutl-i-khuta to be in force with regard to all cases of accidental homicide not otherwise provided for by the first Clause of this Section.

Clause of this Section; provided, however, that the courts of circuit shall not adjudge any punishment in any such case of accidental homicide, although the diyut should be declared to be payable under the mohummudan law, if the homicide shall clearly appear to have been committed by misadventure in the prosecution of a lawful act and without any malignant intention.

Part of Clause first, Section III, Regulation VI of 1811, rescinded.

V. So much of Clause first, Section III, Regulation VI of 1811, as relates to the process of "godna," is hereby rescinded.

Modification of part of Section XXII, Regulation IX of 1816.

VI. In modification of the provisions contained in Section XXII, Regulation IX of 1816, regarding payment of specific rewards, it is hereby enacted that all specific rewards offered for the apprehension of robbers proclaimed by name, shall be payable on the delivery of the persons so proclaimed to the zillah magistrate by whom the proclamation may have been issued, or to the magistrate in whose jurisdiction they may have been apprehended.

Sections II, III and IV of this Regulation, not to be in force until six months from the date of it's promulgation.

VII. First. Sections II, III and IV of this Regulation, shall not be held in force until six months from and after the date of it's being enacted and published.

The remaining Sections of this Regulation to have immediate operation.

Second. The remaining Sections of this Regulation are to be in force from the date of it's promulgation.

A. D. 1818 REGULATION II.

A REGULATION, for imposing a duty on foreign salt, imported by sea into any port or place within the limits of the territories subject to the presidency of Fort St. George.—Passed by the Governor in Council of Fort St. George, on the 4th March 1818.

WHEREAS it has been deemed expedient, with a view to the improvement and security of the public revenue, to impose a duty on foreign salt imported by sea into any port or place within the territories subject to the presidency of Fort St. George: The Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India; has enacted the following rules, to be in force throughout the aforesaid territories, from the period of their promulgation.

Preamble.

II. The provisions of Regulation I of 1805, so far as they may affect the importation by sea of foreign salt, that is to say, salt made out of the limits of the territories subject to the presidency of Fort St. George, are hereby rescinded.

Regulation I of 1805 rescinded, so far as regards the importation of foreign salt by sea.

III. Foreign salt shall, on importation by sea into any port or place within the limits of the said territories, be subject to a duty at the rate of 100 pagodas per garce.

Foreign salt subject on importation by sea, to a duty of 100 pagodas per garce.

Rules under which the aforesaid duty shall be levied.

IV. The aforesaid duty shall be paid and levied under the same rules and provisions, as are applicable generally to the payment and collection of the duties denominated government customs on goods and merchandize imported by sea; subject however, to the provision contained in the following Section: and any salt imported or landed in breach of the said rules and provisions, shall be forfeited; and the proceeds thereof disposed of under the general rules prescribed in Clause first, Section XX, Regulation I of 1812, for the division of the amount sales of all confiscated goods: and such salt, shall and may be seized as forfeited, by the collector, or any of the officers of the custom house or customs; or by any of the officers of Government, to be by them conveyed and deposited in one of the said United Company's warehouses, or other secure place.

Collectors authorized to allow foreign salt to be landed and secured without payment of duty in the first instance.

V. It is hereby declared competent to the collectors of sea customs to permit the importers, proprietors or consignees of salt imported as aforesaid, if they be so disposed, instead of paying the duty due and payable thereon, in the manner prescribed generally for the payment of the duties denominated government customs on goods and merchandize imported by sea, to deliver it on shore at the custom house or such other secure place as the said collectors may appoint, and to secure and lodge it therein without payment of duty in the first instance; provided, however, that salt so lodged, shall not be removed until the duty imposed by this Regulation, shall be duly paid.

Rules regarding the clearing of salt so secured and the payment of the duty.

VI. The importers, proprietors or consignees of salt which shall have been lodged or secured as

aforesaid, shall within 12 calendar months, to be computed from the date of the production of the manifest at the custom house, clear and take from and out of such custom houses or places, all such salt, and shall pay the full duty imposed by this Regulation; and in case any such importers, proprietors, or consignees, shall fail or neglect so to do, it shall be lawful for the board of trade or such officer as may be duly empowered by them in this behalf, to cause all such salt to be publicly sold or exposed to sale; and after such sale, the produce thereof, shall first be applied to the payment of the duty imposed by this Regulation, and the overplus, if any, shall be paid to the proprietor or other persons authorized to receive the same; provided that no such salt shall be sold, unless a price can be obtained for the same equal at least to the full amount of the duty aforesaid: but if such price cannot be obtained, then all such salt shall be effectually destroyed by, and in the presence of, such officer as the board of trade shall appoint.

A. D. 1818. REGULATION III.

A Regulation, for imposing a duty on foreign opium imported by sea into any port or place within the limits of the territories subject to the presidency of Fort St. George; and on opium exported by sea from any port or place within the said limits.—Passed by the Governor in Council of Fort St. George, on the 4th March 1818.

Preamble.

WHEREAS it has been deemed expedient to impose a duty on foreign opium imported by sea into any port or place within the territories subject to the presidency of Fort St. George; and on all opium exported by sea from any port or place within the said limits: The Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following rules, to be in force throughout the aforesaid territories, from the period of their promulgation.

Clause second, Section V, Regulation II, 1812, rescinded in part.

II. So much of Clause second, Section V, Regulation II, 1812, as defines the duties leviable on opium imported by sea into Madras, is hereby rescinded.

Opium made out of these territories liable, with the exception specified in the following Section, to a duty of 40 rupees per viss on importation by sea.

III. All opium made out of the limits of the territories subject to the presidency of Fort St. George, with the exception specified in the following Section, shall, on importation by sea into any port or place within the limits of the said territories, be subject to a duty at the rate of 40 rupees per viss.

Duty on opium purchased at the Company's sales at Calcutta and imported at any of the subordinate ports.

IV. First. Opium imported into any port subject to the presidency of Fort St. George, with the exception of the port of Madras, and accompanied by a certificate specifying that it has been purchased at the Company's sales in Calcutta, shall be subject only to the rate of duty prescribed by the Regulations in force, to be levied on goods and merchandize imported by sea.

Duty on opium purchased at the Company's sales at Calcutta and imported by sea into Madras.

Second. Opium imported by sea into Madras accompanied by the beforementioned certificate, shall be liable to the duty specified for opium in Clause second, Section IX, Regulation III, 1812; and subject to the provisions of Clause third of that Section: provided, however, that all such opium, if intended for re-exportation, shall be liable only to the general rate of duty levied on goods and merchandize imported by sea; and such opium shall be lodged at the custom house under charge of the collector until it be re-shipped, and shall be entitled, on such re-exportation, to a drawback of two-thirds of the said last mentioned duty.

Opium not purchased at the Company's sales at Calcutta subject to a duty of 40 rupees per viss on exportation by sea.

V. All opium, with the like exception of opium purchased at the Company's sales at Calcutta, as specified in the preceding Section, shall on exportation by sea be subject to a duty of 40 rupees per viss.

Rules under which the aforesaid duties shall be levied.

VI. The aforesaid duties shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated government customs on goods and merchandize imported or exported by sea; subject, however, to the provision contained in the following Section: and any opium exported, imported or landed, in breach of the said rules and provisions, shall be forfeited; and the proceeds thereof disposed of under the general rules prescribed in Clause first, Section XX, Regulation I of 1812; for the division of the amount sales of all confiscated goods; and such opium shall and may be seized as forfeited by the collector or any of the officers of the custom house or customs, or by any of the officers of Go-

vernment, to be by them conveyed and deposited in one of the said United Company's warehouses, or other secure place.

Collectors authorized to allow opium imported from Europe to be landed and secured without payment of duty in the first instance.

VII. It is hereby declared competent to the collectors of sea customs to permit the importers, proprietors or consignees of opium, imported from Europe, if they be so disposed, instead of paying the duty due and payable thereon in the manner prescribed generally for the payment of the duties denominated government customs on articles imported by sea, to deliver it on shore at the custom house or such other secure place as the said collectors may appoint, and to secure and lodge it therein without payment of duty in the first instance; provided, however, that opium so lodged, shall not be removed until the duty imposed by this Regulation, shall be duly paid.

Rules regarding the clearing of opium so secured and the payment of the duty.

VIII. The importers, proprietors or consignees of opium, which shall have been imported from Europe, lodged or secured as aforesaid, shall within 12 calendar months, to be computed from the date of the production of the manifest at the custom house, clear and take from and out of such warehouses or places all such opium, and shall pay the full duty imposed by this Regulation; and in case any such importers, proprietors or consignees shall fail or neglect so to do, it shall be lawful for the board of trade or such officer as may be duly empowered by them in this behalf, to cause all such opium to be publicly sold, or exposed to sale; and after such sale, the produce thereof shall first be applied to the payment of the duty imposed by this Regulation; and the overplus, if any, shall be paid to the pro-

prietors or other persons authorized to receive the same, provided that no such opium shall be sold unless a price can be obtained for the same equal at least to the full amount of the duty aforesaid ; but if such price cannot be obtained, then all such opium shall be effectually destroyed by, and in the presence of, such officer as the board of trade shall appoint.

A. D. 1818. REGULATION IV.

A REGULATION, prescribing rules for the assessment and collection of the veesabuddy, or tax upon the profits of trade, in the provinces known by the appellation of the Ceded Districts, or the zillahs of Bellary and Cuddapah.—Passed by the Governor in Council of Fort St. George, on the 15th May 1818.

WHEREAS it has been considered expedient that the settlement of the land revenue, in all the provinces subordinate to this Presidency, should be made exclusively of certain taxes, which though hitherto classed and collected therewith, are not derived from the land, but are paid by merchants, tradesmen, artisans and others, and therefore cannot with propriety be considered as belonging thereto : And whereas the separation of these taxes from the land revenue has taken effect in the provinces known by the appellation of the Ceded Districts, and reports have been received which enabled the Government to provide for the due assessment and collection of the Preamble.

veesabuddy, or tax upon the profits of trade, under the provisions of a Regulation prepared as prescribed in Section II, Regulation I, A. D. 1802: Wherefore the following rules have been enacted by the Governor in Council, to take effect and be in force in the Ceded Districts from and after the date of their promulgation.

The veesabuddy declared to be payable by all merchants, tradesmen and others engaged in any mercantile concern.

II. The veesabuddy, or tax upon the profits of trade, as distinguished from the mohturfa, or tax upon the profits of persons exercising manual arts or professions, is declared to be payable by all merchants, traders, shopkeepers, retail dealers, agents of foreign merchants, or others engaged in any mercantile adventure or concern.

The amount of the veesabuddy to be assessed on each zillah how to be determined.

III. First. The aggregate amount of the veesabuddy to be assessed on each province, or zillah of the Ceded Districts, shall be determined by the Governor in Council, and shall be regulated, as heretofore, with reference to the accounts of exports and imports, the population, the produce and consumption, and the usual profits of trade, combined with a consideration of the general circumstances of the several descriptions of persons liable to the payment of the tax.

The aggregate assessment not to exceed 10 per cent on the income of the contributors.

Second. The aggregate amount to be assessed on each zillah shall be calculated so as not to exceed 10 per cent upon the aggregate income or gains of the whole body of contributors, according to the best estimate which it may be possible to form from the data abovementioned; and the amount, when fixed, shall not be liable to alteration oftener than once in five years.

Not to be altered oftener than once in five years.

Third. The provision contained in the latter part of the last Clause shall not be considered as precluding the Governor in Council from authorizing a revision or modification of the aggregate assessment during the abovementioned period of five years, provided that the amount be not increased; and it is also to be understood that the Governor in Council is at liberty to cause the assessment to be raised gradually to the ultimate standard amount, instead of imposing the whole at once, if such a course of proceeding should be deemed expedient.

The aggregate assessment may nevertheless be revised and modified, provided it be not increased, and may be imposed gradually, instead of being laid on at once.

IV. The quota, or proportion of the aggregate assessment to be imposed on each talook of the respective zillahs, shall be regulated by the collectors under the orders, and subject to the approval, of the board of revenue.

The quota to be assessed on each talook how to be determined.

V. The partition, or distribution of the amount of the talook assessment among individuals, shall be regulated annually by the whole body of contributors, or persons in the talook subject to the payment of the tax.

The distribution of the talook assessment how to be regulated.

VI. First. In pursuance of the provision contained in Section V, the merchants, traders, shopkeepers, retail dealers, agents of foreign merchants, and others liable to contribute to the veesabuddy, shall be summoned to assemble, as soon after the commencement of each fusly year as may be convenient, at the cutcherry of the tahseeldar of the talook in which they reside, due notice of not less than fifteen days being given of the time appointed for the meeting.

Merchants and others liable to payment of the veesabuddy to be summoned annually to the talook cutcherry.

Course to be pursued in case of the non-attendance of the parties summoned, or in case of their departure without cause, before the distribution of the assessment has been adjusted.

Second. If any person liable to the payment of the tax should not appear at the cutcherry of his talook within five days after the time appointed, unless prevented by sickness or other sufficient cause: or if any person, after appearing should withdraw himself or depart before the business is finally adjusted, unless compelled by sickness or other sufficient cause, such person's proportion of the assessment or contribution shall be fixed by the other persons present, in the same manner as if he himself had been present; and he shall lose the benefit of the appeal allowed by Section VIII of this Regulation. In case also of non-payment of the tax, the amount shall be recovered from him in the manner hereinafter prescribed for the recovery of arrears of veesabuddy; and moreover, if it should be satisfactorily proved that such person refused to appear, or appearing, departed with a view to obstruct the public business, or to throw impediments in the way of the settlement and adjustment of the tax, he shall be liable to such moderate fine (not exceeding 100 rupees) as upon investigation of the case, it may be judged advisable by the collector to impose; the fine so imposed to be recovered in the manner hereinafter prescribed for the collection of arrears of veesabuddy.

Absentees, without satisfactory cause assigned for their absence, liable to be fined.

Persons unable to give their personal attendance may appoint vakeels.

Third. Nothing contained in the above Clause is intended to prevent any person from appointing a vakeel to act for him, in the event of his being prevented by sickness or any necessary avocation, from giving his personal attendance, or (having attended) in the event of his being obliged, by similar causes, to leave the cutcherry before the settlement of the tax is finally adjusted.—In such cases, the person

appointed to act as vakeel, shall be furnished by his principal with a vakalutnamah under his seal and signature, which vakalutnamah, being presented to the tahseeldar, shall be filed on the records of the cutcherry, and the vakeel so appointed shall be allowed to act in every respect as if he were principal.

Disputes among individuals regarding the partition of the assessment how to be decided.

VII. First. All disputes which may arise among the parties liable to contribute to the veesabuddy in regard to the veesees or shares to be assessed on individuals, shall be decided by referees or arbitrators, in number not less than four nor more than eight, of whom one half shall be nominated by the party disputing the correctness of the amount proposed to be assessed on him, and the other half by the other party concerned in the reference.

Each party allowed to challenge peremptorily the referees nominated by the other.

The number of challenges limited.

Course to be pursued when the challenges of either party amount to the number limited.

Second. Each party shall have a right to challenge peremptorily the referees nominated by the other party; and the referees so challenged shall be set aside and others nominated in their stead. The challenges of each party shall be limited to four, six or eight, according as the number of referees nominated by each under the provisions of the preceding Clause of this Section, shall be two, three or four,—that is to say, the challenges of each party shall be limited in every case to the number of which the arbitration is to consist; and if in any case the challenges of either party shall amount to that number, the selection of referees for the decision of the question at issue between the parties shall devolve upon the tahseeldar, whose duty it shall be to take especial care that the persons whom he may nominate for this purpose be totally unconnected with either party. The decision given by the referees so ap-

pointed by the tahseeldar shall be equally valid as if it had been given by referees nominated by the parties.

When votes of the referees are equally divided, an umpire to be appointed.

The mode of appointing an umpire.

Third. In case the votes of the referees upon the question referred for their decision shall be equally divided, and it shall be necessary to appoint an umpire, the tahseeldar shall nominate three respectable persons totally unconnected with either party; and the parties shall each be required to reject one of the persons so named, leaving the other to act as umpire, who shall determine the question.

An appeal to lie to the collector from the decisions of the referees.

VIII. First. An appeal from the decision of the referees, on any matter whatever connected with the assessment of the veesabuddy, shall lie to the collector, whose especial duty it shall be minutely and carefully to investigate the grounds upon which such decision may have been made, and he shall confirm, reverse, or cause a revisal of the decision, according as the case may in his judgment appear to require.

In what manner the appeal is to be made.

Second. Every appeal to the collector from the decision of referees, shall be presented in the first instance to the tahseeldar of the appellant's talook, within three days from the date on which the decision may have been passed, and no appeal shall be received at a later period, unless a full and sufficient reason for the delay be made to appear. The tahseeldar shall grant written receipts to the appellants for all petitions of appeal which may be presented to him, and shall transmit the said petitions to the collector on the same day on which they may be received.

Third. The decisions which under Clause first of this Section may be passed by the collector on petitions of appeal, transmitted to him, agreeably to the provisions of Clause second of this Section, shall be endorsed by the collector on the petitions, together with the grounds of the decisions so passed; and such endorsements shall be attested by the collector's official signature.

The collector's decision to be endorsed on the petition of appeal.

IX. First. In cases of corruption, fraud or contrivance whereby persons may have procured their share of the assessment to be reduced below it's just amount, it shall be competent to the party or parties aggrieved by such unjust reduction, to bring the matter by petition under the cognizance of the collector. The petition shall contain a distinct statement of the circumstances of the case, and to it shall be subjoined a list of the witnesses and of the documents by which it is proposed to establish the allegations preferred by the petitioner. The collector shall attentively consider the facts stated, and the nature of the evidence offered in support thereof, and if he shall be of opinion that the matter is deserving of investigation, he shall admit the petition.

Course to be pursued in cases of corruption, fraud, or contrivance whereby the quota payable by an individual is reduced below it's just amount.

Second. On admitting a petition under the foregoing Clause, the collector shall immediately summon before him the person or persons accused of the corruption, fraud or contrivance. In cases where the share of the veesabuddy charged to have been reduced below it's just amount, shall have been settled by referees under the provisions of Section VII of the Regulation, it shall be the duty of the collector to go into a minute examination of the complaint pre-

Course to be pursued by the collector on admitting a petition in this case.

ferred by the petitioner, hearing the evidence which both parties may have to adduce. But in cases wherein the share objected to may not have been settled in the first instance by referees, the collector shall, with the consent of both parties, and not otherwise, refer the matter for decision to referees or arbitrators to be chosen under the provisions of Section VII of this Regulation, and subject to the same rules.

Course to be pursued when the collector considers the corruption, fraud, or contrivance, to be proved.

Third. If on examination of the case, or on consideration of the award of the referees, when that mode of adjudication may be resorted to, the collector shall be of opinion that the corruption, fraud or contrivance charged is satisfactorily established, he shall declare another apportionment of the assessment, and shall have authority to levy a fine, not exceeding 100 rupees, from the party or parties guilty of the acts charged, whether they be the persons benefitting by the previous undue apportionment of the assessment, or the referees by whom that apportionment was made.

No time limited for presenting petitions of this nature.

Fourth. The time for presenting petitions of the nature described in Clause first of this Section is not limited, but it shall be incumbent upon the petitioner to show to the satisfaction of the collector, that he has preferred his complaint as soon as practicable after his detection of the artifices by which he considers himself to be aggrieved.

An appeal to lie from the decision of the collector to the board of revenue.

The appeal how to be made.

X. First. Persons who may consider themselves aggrieved by the decision of the collector, shall be at liberty to appeal therefrom to the board of revenue. The petition of appeal shall be pre-

sented to the collector accompanied by the petition bearing the collector's endorsement, as prescribed in Clause third of Section VIII, and the collector shall forward the same immediately to the board of revenue; it is, however provided, that no person shall be entitled to appeal to the board of revenue, unless his petition of appeal be presented to the collector within thirty days after the delivery of the collector's decision on the case, or unless he assign good and sufficient reason for the delay.

An appeal to lie to the board of revenue against fines imposed by the collector exceeding 25 rupees.

Second. An appeal, subject to the rules prescribed in the preceding Clause, shall also lie to the board of revenue against the imposition of any fines exceeding the sum of 25 rupees levied by the collector under this Regulation.

Parties appealing to the board of revenue may appoint vakeels.

Third. The party appealing to the board of revenue shall not be required to appear in person to prosecute his appeal, but shall be at liberty to constitute a vakeel for that purpose.

Course to be pursued by the board of revenue in cases of appeal from the decision of the collectors.

XI. The board of revenue, after a careful investigation of the grounds upon which the decision of the collector may be founded, shall confirm, reverse, or cause a revisal thereof, as the case may in their judgment appear to require, and their decision shall be final.

Rules to be observed after the partition of the assessment shall have been finally adjusted.

XII. After the adjustment of the several veesees, or shares payable by individuals, shall have taken place in the manner prescribed, a general statement, signed by the principal merchants, &c. of each village, shall be given in to the tahseeldar, who shall forward it to the collector, when the total amount

of the tax payable by the talook, will be assessed in detail according thereto, and a puttah under the seal and signature of the collector, delivered to each person, stating the sum which he is to pay, and the proportion which it bears to the total talook assessment.

Course to be pursued in the collection of the veesabuddy tax, and for the recovery of arrears.

XIII. The collection of the revenue derived from the veesabuddy tax, shall be made in the same manner as the collection of the land revenue; and in the event of any coercive process being necessary for the recovery of arrears of that tax or for the recovery of the fines which by this Regulation the collector is authorized to impose, the collector shall proceed against the defaulter by distraint and eventual imprisonment, in the same manner as is prescribed by the Regulations for the recovery of arrears of land revenue.

A. D. 1818. REGULATION V.

A Regulation, for rescinding Regulation I, A. D. 1814, and abolishing the zillah Court of Guntoor.

Omitted under A. D. 1821. *Regulation* I.

A. D. 1818. REGULATION VI.

A Regulation, for empowering commissioners ap-

pointed to institute certain inquiries into the conduct of the servants of Government, European and Native, to take evidence on oath; and rendering the violation of such oath liable to the penalties of perjury.

Rescinded by A. D. 1822. *Regulation* VIII.

A. D. 1818. REGULATION VII.

A Regulation, for reducing into one Regulation, with amendments and modifications, the several rules which have been passed for admitting persons of certain descriptions to sue in the courts of civil judicature as paupers.—Passed by the Governor in Council of Fort St. George, on the 3d November 1818.

Preamble.

Whereas it has been deemed expedient to modify the rules now in force for admitting persons of certain descriptions to sue in the courts of civil judicature as paupers, those rules having been found to facilitate the institution of groundless and litigious suits; and whereas it is desirable to reduce into one Regulation the whole of the provisions relative to persons admitted to sue as paupers: The following Regulation has been enacted, to be in force from the 1st of January 1819, throughout the whole of the provinces subject to the presidency of Fort St. George.

Rescissions.

II. Regulation XIV of 1802, and Sections XXXIV and XXXVI of Regulation VII of 1809, are hereby rescinded.

Certain persons may sue as paupers before the european courts.

III. Persons, unable by reason of their poverty to defray the expenses of a law suit, shall be admitted to sue as paupers before the several zillah and provincial courts, and the sudder adawlut, under the rules and subject to the restrictions hereinafter specified.

Limitations of pauper suits.

IV. First. No persons shall be admitted to sue as paupers under this Regulation, if the cause of action shall not exceed *eighty rupees, or if the claim be for damages on account of slander, abusive language, assault, or personal injury, or for the recovery of pecuniary *penalties incurred by any breach of the Regulations.

Second. *Rescinded by Clause first, Section* III, *Regulation* IV, 1825.

Rules for the admission of paupers to institute original suits.

V. First. Every person desirous of being admitted to plead as a pauper in an original suit, shall submit his application under the following rules.

A statement of the cause of action to be drawn out by a vakeel of the court, with his opinion of the merits of the suit.

Second. The applicant shall address himself to one of the constituted vakeels of the court in which he is desirous of suing, and the vakeel, if he be willing to undertake the conduct of the suit, shall draw out a statement containing a declaration of the nature, extent and grounds of the demand, and the names of the persons intended to be sued. This

* *Vide Section* II, *Regulation* IV, 1825.

statement shall be signed by the applicant, and shall have annexed to it a declaration to be signed by the vakeel, that he has attentively considered the applicant's case, and has carefully perused the documents produced to him in support of it, and that he is of *opinion that the suit is, (or is not,) sustainable.

Third. *Rescinded by Clause first, Section* V, *Regulation* IV, 1825.

If the vakeel declare the suit to be sustainable, applicant to present a declaration on oath with a schedule of property.

Fourth. If the opinion of the vakeel shall be that the case is sustainable, the applicant shall present to the court a declaration according to the form in the appendix A, having annexed to it a true and perfect schedule of the property real and personal, of which he is possessed, with the value thereof. The declaration and schedule shall be subscribed by the applicant, and shall be read in open court and sworn to by the said applicant. Provided always, that such persons as are by the customs and usages of the country exempted from taking oaths, shall be permitted to make the usual solemn affirmation, instead of the oath hereby appointed. And if any person taking the oath or affirmation hereby appointed, shall thereby commit wilful perjury, and shall be convicted thereof, such offender shall incur the penalties directed by the Regulations to be inflicted for the crime of perjury.

Persons swearing falsely in such matters, declared liable to the penalties of perjury.

Proceedings for the admission of the suit.

Fifth. After the declaration and schedule shall have been sworn to, the court shall fix a day, on which they will admit the applicant to institute his suit as a pauper, unless good cause shall be then

* *Vide Section* IV, *Regulation* IV, 1825.

shewn against his admission. The day to be so fixed shall be sufficiently distant to admit of the production of evidence by the party complained against, to invalidate the statement of the applicant. And the court shall, immediately after filing of the statement and schedule, cause a copy thereof to be affixed in some conspicuous place in the court-room, and shall issue a notice to the person complained against, which notice shall contain the nature and amount of the demand, and the day on which the applicant will be admitted to enter his suit as a pauper, unless good cause be shewn to the contrary.

Unless the applicant's statement or schedule be invalidated.

The plea of poverty may be opposed by the applicant's vakeel and by the person complained against.

Sixth. It is hereby declared competent to the vakeel who has drawn out the application, as well as to the person intended to be sued, to show cause against the applicant being admitted to the benefit of the pauper Regulation.

Objections to the admission of paupers to be written on stampt paper.

Seventh. Objections to an alleged plea of poverty shall be written on stampt paper of the value prescribed by Section XIX, Regulation XIII of 1816. The names of the witnesses, who are to prove facts alleged in such objections, are to be mentioned therein; and if the witnesses so named are not in attendance, the court are to summon them on an early day.

Women of rank may appear by accredited agents.

Eighth. Nothing in this Section shall be construed to render it imperative on women, or others of such rank and cast, as are by the usages of the country exempted from appearing in courts of justice, to appear therein for the purpose of qualifying as paupers; but such persons may appear by an accredited agent.

Ninth. On the day fixed the court shall proceed to hear, and determine upon, all objections that have been entered by the party intended to be sued, or by the vakeel retained by the applicant, either especially to the truth of the schedule exhibited by the applicant, or generally to his admission to the benefit of the pauper Regulation; and the decision thereon by the court competent to admit the application of the person, desirous to sue as a pauper, shall in all cases be final.

Rule for hearing and determining upon objections to the alleged poverty of the applicant.

Tenth. If no objections are made to the admission of the applicant to sue as a pauper, or if the objections made shall be deemed insufficient, the court shall take into consideration the amount and value of the property sworn to; and if they are of opinion, that the applicant could not defray the probable costs of suit without being reduced to great distress, they are to admit him to institute his suit as a pauper.

Under what circumstances persons may be admitted to sue in forma pauperis.

VI. Every person admitted to sue as a pauper shall, before he be permitted to file any pleading, find two good and sufficient sureties for his appearance, whenever his attendance may be required by the court. The security bonds shall correspond with the form B, prescribed in the appendix of this Regulation.

Persons admitted to sue as paupers, to find good security for their appearance.

VII. First. The stamp duty which has been substituted for the institution fee of Regulation XIII of 1816, shall not be required from persons who may be admitted to sue as paupers. The plaint, reply, or other pleadings on the part of the pauper, as well as applications on his part for receiv-

Stamp duties not required from paupers.

On what paper their proceedings are to be written.

And how process to be issued and served.

ing exhibits and summoning witnesses, may be written on unstampt paper. The notice to the defendant, the summons for witnesses and other processes on the part of the pauper, shall be served through the peons on the establishment of the courts, without any expense to the pauper; and the copy of the decree, as well as copies of orders or proceedings which he may be required to take, shall be furnished to a pauper on unstampt paper.

Provision for defraying at the public charge the reasonable expenses of witnesses necessary to the suit but unable to pay their own charges.

Second. Whenever it shall appear to the court, before whom a pauper suit is depending, that a witness, whose evidence may be considered to be material to the issue of such suit, is unable to defray the expenses necessary to his appearing before the court, they are empowered to direct the payment to such witness of such necessary and reasonable expenses, as may be incurred in his attendance before the court, and to charge the same in their monthly abstract.

Costs how to be charged in the decree.

Third. On the conclusion of the suit, the court shall calculate the whole of the costs, which would have been incurred by the plaintiff on account of the several stamp duties, prescribed by Regulation XIII of 1816, and other legal expenses had he not been permitted to sue as a pauper, and shall charge the same in the decree to the party cast, or to the parties respectively, in such proportions as may be deemed equitable.

Litigious paupers may be fined and imprisoned.

VIII. Whenever a court before whom a pauper shall have instituted a suit shall, by their decree declare the said suit to be vexatious or litigious, it shall be competent to that court to adjudge, that the

said pauper do pay a fine not exceeding 200 rupees, and be imprisoned until such fine shall be paid, provided the time of imprisonment do not exceed six months, at the end of which period, or of such shorter period, as the said court may have fixed in commutation for the said fine, the pauper shall be released. Provided always that no sum shall be received in payment of the said fine until the whole of the fees and costs of suit, which may have been decreed against the said pauper, shall have been paid.

Proviso.

IX. First. The courts are empowered and directed to proceed for the recovery of any costs decreed against a pauper, by attachment and sale of any property which may, at any time after the passing of their decree, be discovered to belong to the said pauper.

Costs to be recovered from paupers if property is at any time discovered belonging to them.

Second. Courts are empowered to proceed for the recovery of any sums due by the securities of a pauper under the terms of the security bonds, in the same mode as they are directed to proceed in executing decrees of court.

Forfeited security how to be recovered.

X. First. Whenever a pauper plaintiff against whom a decree has been passed may desire to appeal therefrom, he shall address himself to one of the vakeels of the court, competent to admit the appeal; and the vakeel, if he be willing to undertake the conduct of the appeal, shall draw out a petition setting forth the specific grounds, on which the appeal is preferred, and shall present the said petition within the period prescribed for the admission of regular appeals, together with a copy of the decree appealed from.

An appellant desirous to proceed as a pauper how to proceed.

Under what circumstances an appellant may be admitted as pauper.

Second. If the court shall be of opinion, that an appeal is necessary to correct any error or omission in the original decree, or is otherwise requisite for the ends of justice, they shall admit the appeal on the appellant's producing good and sufficient security for his appearance as prescribed in Section VI, and shall proceed in the investigation under the general rules of appeal. But if the appeal shall not appear to be necessary for the ends of justice, the court shall reject the petition, and such order of rejection shall be final. Provided however, that such order of rejection shall not bar the said plaintiff's right to appeal on fulfilling the regular conditions of appeal under the Regulations relative to payment of stamp duties and fees.

A pauper plaintiff in an original suit not required to prove poverty if admitted to appeal.

XI. In as much as a pauper plaintiff in whose favour a decree may have passed, will be unable to obtain execution of the said decree pending an appeal, the court to whom an appeal may be preferred by an original defendant will admit the original plaintiff to defend the appeal as a pauper without further investigation.

Courts may assign vakeels to paupers.

XII. Courts are hereby empowered to assign one of their constituted vakeels to act on behalf of any person to present his original application or his petition of appeal, or to prosecute any original suit, or to conduct the prosecution or defence of any appeal under the provisions of this Regulation.

To what cases the provisions of this Regulation are applicable.

XIII. It is hereby declared, that the rules contained in this Regulation, are intended to apply to regular suits and appeals only, and not to summary suits or summary appeals of any description. Nei-

ther are they intended to apply to pauper suits which may have been instituted either originally or in appeal previously to the promulgation of this Regulation; such pauper suits and appeals are to be tried and determined in conformity with the rules heretofore in force.

APPENDIX—*Omitted.*

A. D. 1818. REGULATION VIII.

A REGULATION, prescribing the rules, under which appeals may be preferred to the King's Most Excellent Majesty in his Privy Council from the decisions of the court of sudder adawlut at Fort St. George.—Passed by the Governor in Council of Fort St. George, on the 3d November 1818.

Preamble.

THE Governor General in Council having relinquished the authority hitherto exercised by him of receiving appeals from the decrees of the court of sudder adawlut of Fort St. George, it is necessary to repeal the provisions of the Regulations which regard such appeals: and it is further necessary to declare the rules, under which appeals to the King's Most Excellent Majesty in his Privy Council may be preferred from the decrees of the said court of sudder adawlut: The Governor in Council has therefore enacted the following rules for that purpose, to be in force from the date of their promulgation.

Rescissions.

II. Sections XXXI, XXXII, XXXIII, XXXIV, XXXV and XXXVI, Regulation V of 1802, such part of Clause first, Section XXII, Regulation XIII of 1816, as relates to the value of the stampt paper on which copies of proceedings in appeal to the Governor General in Council shall be prepared, and generally all rules providing for, or directly relating to, appeals from the decisions of the sudder adawlut at Fort St. George, to the Governor General in Council, are hereby rescinded.

Petitions of appeal to the King in Council shall be presented to the sudder adawlut within six months.

III. All persons desirous of appealing from a judgment of the court of sudder adawlut to the King in Council, are required to present their petition of appeal to the said court of sudder adawlut, either in person, or through one of the pleaders of that court, within six calendar months from the date on which the judgment appealed against may have been passed.

The court may either order their judgment to be carried into execution, taking security from the party in whose favor the decree may have been passed to abide the event of the appeal,—or suspend the execution, taking the like security from the party left in possession.

Appellants in all cases to give security for payment of costs and for the performance of the final order or judgment on the appeal.

IV. The court of sudder adawlut may either order the judgment passed by them to be carried into execution, taking sufficient security from the party in whose favor the same may be passed for the due performance of such order or decree as His Majesty, his heirs or successors shall think fit to make on the appeal; or suspend the execution of their judgment during the appeal, taking the like security in the latter case from the party left in possession of the property adjudged against him: but in all cases security is to be given by appellants to the satisfaction of the sudder adawlut for the payment of all such costs as the said court may think likely to be incurred by the appeal, as well as for the performance of such order or judgment as His Majesty,

his heirs or successors may think fit to give thereupon, and after receiving such security the court of sudder adawlut are to declare the appeal admitted and to give notice thereof to the appellant and respondent respectively; that they may take measures, the one to prosecute, the other to defend, the cause in appeal before His Majesty in his Privy Council, according to the established mode of proceeding in similar cases.

Appeals to be declared admitted on receiving such security, and notice to be given to the parties to prosecute and defend the same according to the established mode of proceeding.

V. In all cases wherein the sudder adawlut may admit an appeal to the King in Council they are to cause two exact copies to be made of all the proceedings held and judgments or orders given in the case appealed, including the whole of the evidence and documents, (translated into English, if the original documents be in any of the country languages,) and are to transmit the same as soon as prepared, under their official seal and the signature of their register, to the Governor in Council, for the purpose of being forwarded by the first secure and separate conveyances to His Majesty in Council. The register to the sudder adawlut shall also, on the application of the appellant or respondent, furnish him or them with one or more copies of the proceedings held, and judgments or orders passed on the case appealed; provided however, that the parties on whose application the copies herein before mentioned shall be made, whether for transmission to His Majesty in Council, or for delivery to the parties themselves, shall respectively agree to defray such expense as may be incurred thereby; but not otherwise. And the register is not to transmit the copies when prepared to the Governor in Council for the purpose above stated, nor to deliver to parties copies prepared for their use

In all cases of appeal, two copies of all proceedings to be prepared in English and transmitted under the official seal and signature of the register to the Governor in Council, to be forwarded to His Majesty in Council.

The parties also to be furnished with copies of the proceedings on application, provided they agree to pay the expense of preparing the same.

respectively, without the previous payment of the expense incurred thereby; the amount of which is to be carried to the credit of Government, by whom the necessary expenditure on this account will be made in the first instance.

Copies of any local Regulation under which the judgment may have been passed, and which may have been referred to, to accompany the proceedings.

VI. In case the judgment appealed from shall have been passed in pursuance of any local Regulation or Regulations enacted by the Governor in Council, or in case any such Regulation shall have been referred to in the judgments passed by any of the courts wherein the cause appealed from may have been tried and decided, a copy of such Regulation or Regulations, or an extract therefrom, containing all that has reference to the matter at issue, shall be annexed to the several copies of the proceedings prepared in conformity to the preceding Section, whether for delivery to the parties or for transmission to His Majesty in Council.

A. D. 1818. REGULATION IX.

A REGULATION, for rescinding such part of Section XLI, Regulation XI of 1816, as may be construed to restrict the authority of assistant magistrates to the towns in which they may be deputed to reside.—Passed by the Governor in Council of Fort St. George, on the 11th December 1818.

Preamble.

WHEREAS inconvenience has arisen from the restriction which, by Section XLI, Regulation XI,

1816, is imposed on the discretion to be exercised by magistrates in delegating authority to their assistants, such authority being expressly limited to the jurisdiction of the town in which the said assistants may be deputed to reside; and whereas it has been judged expedient to remove this restriction and to authorize magistrates to make over the whole or any part of their duty as magistrates to their assistants and to depute them to hold their offices in any part of their zillahs which may be deemed proper: The following rules have been enacted.

Part of Section XLI, Regulation XI of 1816, rescinded, and magistrates authorized to delegate to their assistants the whole or any part of their duty.

II. Such part of Section XLI, Regulation XI, 1816, as may be construed to restrict the authority of assistant magistrates to the towns in which they may be respectively deputed to reside, is hereby rescinded; and zillah magistrates are hereby declared to be authorized to delegate to their assistants the whole or any part of their duty as magistrates and to depute them to hold their offices in any of the districts within their several jurisdictions which may be deemed proper.

A. D. 1819. REGULATION I.

A Regulation, for rescinding Section IX, Regulation XXVI, 1802, and vesting in the board of revenue a discretionary power to fix in perpetuity the amount of the public assessment upon subdivisions of estates, liable to a proportion of the permanent land tax less than the sum of five

hundred star pagodas per annum; for rendering the permanent alienation, transfer or sale of subdivisions thus assessed, valid in the courts of adawlut; and for preventing fraud, corruption or error, in the distribution of the public assessment upon landed property in general.—Passed by the Governor in Council of Fort St. George, on the 19th January 1819.

Preamble.

WHEREAS Section IX, Regulation XXVI, 1802, directs that "no portion of a divided estate shall "bear a less proportion of the permanent land tax "than the sum of five hundred pagodas," and that "where estates may be divided into portions, charged "with a sum less than five hundred pagodas per "annum, such separation of lands shall not be "valid in the adawlut"—but "the proprietor of "the estate before such division shall continue to "be liable for the entire amount of the permanent "land tax, in the same manner as if the separation "had not been made"—and whereas these provisions are considered impolitic and inexpedient, as impeding the free subdivision of zemindary property and checking improvement, by rendering the tenure by which such portions of land can be held, dependent on the punctual discharge of the public jummah on the entire estate by the existing zemindar, and as thus opposing obstacles to the free transfer, subdivision, improvement and security of such property; and whereas it is thought that these enactments, intended originally to facilitate the realization of the land revenue, may be modified, in such a manner, as to be productive of material benefit, without seriously impeding or obstructing the collection of the public revenue; and whereas it has been deemed expedient

to guard the public against the loss to which it is exposed from fraud, corruption, or error, in the distribution of the public assessment upon landed property in general: Wherefore the Governor in Council has been pleased to enact this Regulation, to take effect from and after the date of its promulgation.

II. Section IX, Regulation XXVI, 1802, is hereby rescinded; and a zemindary or landed estate may be divided into portions of not less than one entire village, or dependent hamlet, with defined boundaries, charged with a proportion of the permanent land tax less than five hundred pagodas per annum; but such separation of lands shall not be valid in the courts of adawlut, unless the amount of the permanent land tax assessed thereon, shall have been fixed by the collector, according to the other rules contained in the Regulation abovementioned, and confirmed by the authority of the board of revenue, signified in writing.

Section IX, Regulation XXVI, 1802, rescinded; zemindaries may be subdivided into portions not less than one village, or dependent hamlet, provided the public revenue be duly assessed thereon.

III. The board of revenue shall be at liberty to grant, or withhold, their confirmation in respect to any subdivision the assessment on which may be less than five hundred pagodas per annum; when the board of revenue may confirm assessments referred to in the preceding Section, the zemindar shall be at full liberty, by sale, gift and otherwise, to alienate or transfer, in perpetuity all his rights in such subdivisions; but if the board of revenue shall withhold or refuse their confirmation to the proposed subdivisions, the separation of the lands shall not take place.

The confirmation of such subdivisions discretionary with the board of revenue, and without it, they cannot take place.

IV. Should it be proved to the satisfaction of the

On proof within ten

years, of any fraud or error in apportioning the public revenue on subdivisions of a zemindary, Government may direct a re-allotment thereof.

Governor in Council that any fraud or material error has been committed in apportioning the permanent assessment on lands divided into two or more distinct estates under the provisions of Regulation XXVI, 1802, or under the provisions contained in this Regulation, it shall be competent to the Governor in Council, from and after the promulgation of this Regulation, within the term of ten years, subsequent to the period at which such division or allotment may have been made, to order the land tax to be apportioned anew, on the principles laid down in the existing Regulations.

The period from which the ten years are to be calculated.

V. The period of years mentioned in the preceding Section, shall be calculated from the date on which the partition of the lands and allotment of the land tax may have received the written confirmation of the board of revenue.

A. D. 1819. REGULATION II.

A REGULATION, for the confinement of state prisoners.—Passed by the Governor in Council of Fort St. George, on the 4th March 1819.

Preamble.

WHEREAS reasons of state policy occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable

or improper; and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken should proceed immediately from the authority of the Governor in Council; and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor in Council all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed; and whereas the ends of justice also require that due attention be paid to the health of every state prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life and to his own wants and those of his family; and whereas the reasons above declared some times render it necessary that the estates and lands of zemindars, talookdars and others situated within the territories dependent on the presidency of Fort St. George, should be attached and placed under the temporary management of the revenue authorities, without having recourse to any judicial proceeding; and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals whose estates may be so attached under the direct authority of Government: The Governor in Council has enacted the following rules, which are to take effect throughout the provinces immediately subject to the presidency of Fort St. George, from the date on which they may be promulgated.

Mode of proceeding for placing individuals under restraint as state prisoners.

II. First. When the reasons stated in the preamble of this Regulation may seem to the Governor in Council to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor in Council and under the hand of the chief secretary, or of one of the secretaries to government, shall be issued to the officer in whose custody such person is to be placed.

Form of warrant to be issued.

Second. The warrant of commitment shall be according to the form prescribed in the appendix to this Regulation.

Such warrant to be sufficient authority for the detention of any state prisoner.

Third. The warrant of commitment shall be sufficient authority for the detention of any state prisoner in any fortress, jail or other place within the territories subject to the presidency of Fort St. George.

Officers in whose custody state prisoners may be placed, to submit to Government periodical reports.

III. Every officer in whose custody any state prisoner may be placed shall, on the 1st of January and 1st of July of each year, submit a report to the Governor in Council, through the chief secretary to government, on the conduct, the health and the comfort of such state prisoner, in order that the Governor in Council may determine whether the orders for his detention shall continue in force, or shall be modified.

State prisoners in the custody of the zillah criminal judge to be visited by the judge of circuit at the sessions.

IV. First. When any state prisoner is in the custody of a zillah criminal judge, the judges of circuit are to visit such state prisoner, on the occasion of the periodical sessions, and they are to issue

any orders concerning the treatment of the state prisoner which may appear to them advisable, provided they be not inconsistent with the orders of the Governor in Council issued on that head.

State prisoners in custody of a public officer not being a zillah criminal judge, to be visited by such person as may be nominated by Government for the duty.

Second. When any state prisoner is placed in the custody of any public officer not being a zillah criminal judge, the Governor in Council will instruct either the criminal judge, or the judge of circuit, or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government, regarding the health and treatment of such prisoner.

Representations which may be made by state prisoners to be submitted to Government.

V. The officer, in whose custody any state prisoner may be placed, is to forward with such observations as may appear necessary, every representation which such state prisoner may from time to time be desirous of submitting to the Governor in Council.

Early report to be made to Government regarding the nature of the confinement, the health and the allowances granted to state prisoners.

VI. Every officer, in whose custody any state prisoner may be placed, shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor in Council whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family according to their rank in life.

The allowance fixed for the support of a state prisoner, to be duly appropriated to that object.

VII. Every officer, in whose custody any state prisoner may be placed, shall take care that the allowance fixed for the support of such state prisoner is duly appropriated to that object.

The provisions contained in Sections III to VII of the present Regulation, applicable to all persons who are now confined as state prisoners.

VIII. The provisions contained in Sections III, IV, V, VI and VII of this Regulation, are hereby declared to be applicable to all persons who are now confined as state prisoners under the authority of Government within the territories subject to the presidency of Fort St. George.

Rules for the attachment of estates or lands by the orders of Government without a previous decision of a court of justice.

IX. Whenever the Governor in Council, for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zemindar, jagheerdar, talookdar or other person, without any previous decision of a court of justice, or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the secretaries to government, to the judge of the district in which the lands or estates may be situated, to the provincial court of appeal and circuit, and to the sudder and foujdarry adawlut.

Lands or estates so attached, to be placed under the management of the officers of Government in the revenue department.

X. First. The lands or estates which may be so temporarily attached shall be held under the management of the officers of government in the revenue department, and the collections shall be made and adjusted on the same principles as those of other estates held under khas management.

And not liable to be sold on account of decrees of the civil courts or otherwise, while under attachment.

Second. Such lands or estates shall not be liable to be sold in execution of decrees of the civil courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

Third. In the cases mentioned in the preceding Clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the civil courts.

The Government will make such arrangement as may be proper for the satisfaction of the decrees of the civil courts in such instances.

XI. Whenever the Governor in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of government, and to pay over to the proprietor the profits from the estate which may have accumulated during the attachment.

Rules to be observed in cases where Government may order the release of an estate from attachment.

APPENDIX—*Omitted.*

A. D. 1819. REGULATION III.

A REGULATION, to provide more effectually for the punishment of extortion, oppression, or other abuse of authority on the part of the native officers of police.—Passed by the Governor in Council of Fort St. George, on the 9th March 1819.

WHEREAS instances have occurred of abuse of authority on the part of the native officers of police

Preamble.

in which the penalties prescribed in Section XLIV, Regulation XI of 1816, have been found to be inadequate to the aggravated nature of the offence; and whereas it has been deemed expedient to provide more effectually for the punishment of such acts: The following rules have been enacted.

Certain Sections of Regulation XI, 1816, rescinded.

II. Sections XLIV and XLV, Regulation XI, 1816, are hereby rescinded.

Police officers liable to a civil action, or criminal prosecution for abuse of authority.

III. First. For extortion, oppression or other abuse of authority, all native officers of police shall be liable to be sued in a zillah court, or to be prosecuted in a court of criminal judicature.

Extent to which police officers may be punished by a magistrate for abuse of authority.

Second. Whenever a charge of this nature may be preferred before a magistrate and be proved by sufficient evidence to his satisfaction, he is hereby empowered to punish the offender by a fine not exceeding fifty arcot rupees, or by imprisonment for a term not exceeding one month.

Cases in which they are to be forwarded to the criminal judge.

Third. In all cases wherein the measure of punishment specified in the preceding Clause shall appear to be insufficient, the party accused shall be forwarded to the criminal judge, to be by him dealt with according to the provisions of the general Regulations.

A. D. 1819. REGULATION IV.

A Regulation, for determining the rate of duty

on goods exported or imported by sea, to or from any of the foreign European settlements adjoining the territories subject to the presidency of Fort St. George.—Passed by the Governor in Council on the 10th April 1819.

Preamble.

WHEREAS it is provided by Clause second, Section IX, Regulation I of 1812, that goods passing by land from the Company's territories into the settlements of foreign European nations, or from such settlements into the Company's territories, shall be subject to the same duty to which they would have been liable if they had been exported or imported on foreign vessels by sea; and whereas it has been expedient for the better encouragement and protection of British Indian trade, to impose a like duty on goods exported or imported by sea to, or from any foreign European settlement, adjoining the territories subject to the presidency of Fort St. George: The Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following rules, to be in force from the date of their promulgation.

Goods in whatever vessels exported or imported to or from foreign European settlements to be subject to the same duty as if exported or imported under foreign colours.

II. Goods imported from or exported to any foreign European settlements adjoining to the territories subject to the presidency of Fort St. George, on vessels under British or Asiatic colours, shall be liable to the same duty as if the goods had been imported or exported on vessels under foreign colours.

The duty to be paid

III. The aforesaid duty shall be paid and levied

and levied under the same rules as other duties.

under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated government customs on goods and merchandize imported or exported by sea.

A. D. 1819. REGULATION V.

A REGULATION, for rescinding such parts of Regulations IX, X and XI of 1816, as disqualify servants of the Government from attesting confessions. —Passed by the Governor in Council of Fort St. George, on the 23d April 1819.

Preamble.

WHEREAS serious inconvenience has been found to arise under the operation of the rule, which disqualifies servants of the Government from attesting confessions, or confirmations of former confessions, made before the officers of justice by persons charged with the commission of criminal acts; and whereas it has been deemed expedient, in order to facilitate the administration of public justice, that such disqualification should be removed: The Right Honorable the Governor in Council has been pleased to enact as follows.

Certain provisions of Regulations IX, X and XI of 1816, rescinded.

II. Such parts of Section XXVI, Regulation IX, 1816, and Section XXVII, Regulation XI, 1816, as prohibit persons, being servants of the Government, from attesting confessions made by prisoners before magistrates of the zillahs, or district police officers; and such part of Section X, Regu-

lation X, 1816, as prohibits persons being servants of the Government, from attesting confessions, or confirmations of former confessions made by prisoners before the criminal judges of the zillahs; are hereby rescinded.

A. D. 1819. REGULATION VI.

A REGULATION, for rescinding Sections II and III of Regulation IV of 1812, and Regulation I of 1817; and for giving due publicity to a certain Regulation enacted by the Honorable the Court of Directors of the United Company of Merchants of England, trading to the East Indies, relative to the trade of foreign nations with the British possessions in India.—Passed by the Governor in Council of Fort St. George, on the 15th May 1819.

Preamble.

WHEREAS the Honorable the Court of Directors of the United Company of Merchants of England trading to the East Indies have, in virtue of the powers granted to them by an Act passed in the 37th year of the Reign of His present Majesty, framed a Regulation for carrying on the trade to and from the British possessions in India and the countries and states in amity with His Majesty, it is necessary that all previous enactments of the Government of Fort St. George which may be inconsistent with the said Regulation, should be rescinded: and with the view that the provisions of the said

Regulation may be duly observed by the courts of justice, and public officers of Government, and may be generally known and understood, it is expedient that the same should be printed and bound up with the Code of Regulations enacted by the Governor in Council of Fort St. George, and be likewise translated into the languages of the country: The Right Honorable the Governor in Council has therefore passed the following rules, to be in force from the date of their promulgation.

Rescissions.

II. Sections II and III, Regulation IV of 1812, and Regulation I of 1817; are hereby rescinded.

The Regulation passed by the Court of Directors concerning the foreign trade in India to be printed in the judicial code and translated.

III. The Regulation framed by the Honorable the Court of Directors of the United Company of Merchants of England trading to the East Indies, passed by them on the 31st day of December 1817, and entitled a Regulation for carrying on the trade between the British possessions in India and the countries and states at amity with His Majesty, shall be printed and bound up with this Regulation, and shall be translated into the languages of the country, as prescribed in Regulation I of 1802, concerning Regulations passed by the Governor in Council of Fort St. George.

Not to affect the existing provisions respecting duties on the trade of foreign nations.

IV. Nothing in this Regulation shall be construed to affect the provisions contained in the existing Regulations for defining the duties to which the trade of foreign nations is, and shall be subject at the ports and settlements of the British nation in the East Indies.

" Regulation for carrying on the trade between the

" British possessions in India and the countries
" and states in amity with His Majesty.—Passed
" by the Court of Directors of the United Com-
" pany of Merchants of England trading to the
" East Indies, this 31st day of December, 1817.

" Whereas by an Act passed in the 37th year of
" the reign of His present Majesty, entitled " An Act
" for regulating the trade to be carried on with the
" British possessions in India by the ships of na-
" tions in amity with His Majesty," it was " enacted
" that from and after the passing of that Act, and
" during the continuance of the exclusive trade of
" the United Company of Merchants of England
" trading to the East Indies, and during the term for
" which the possessions of the British territories in
" India is secured to the said United Company, it
" should be lawful for the ships and vessels of
" countries and states in amity with His Majesty, to
" import into and export from the British posses-
" sions in India, such goods and commodities as they
" should be permitted to import into and export from
" the said possessions by the Directors of the said
" Company, who were thereby directed to frame such
" Regulations for carrying on the trade to and from
" the said possessions and the countries and states
" in amity with His Majesty, as should seem to
" them most conducive to the interest and prospe-
" rity of the said British possessions in India, and
" of the British empire, and that no ship or vessel
" belonging to any of the subjects of states or
" countries in amity with His Majesty should be
" liable to seizure, confiscation or forfeiture, or
" other penalty, for exporting from or importing
" into the said British possessions in India, any

" goods or commodities the importation or exporta-
" tion of which should respectively be permitted by
" the said Regulation, any thing in a certain Act of
" the twelfth year of the reign of King Charles the
" second, therein recited to the contrary notwith-
" standing; provided always, that it should not be
" lawful for the Directors of the said United Com-
" pany to frame any Regulations for the conduct of
" the trade, which should be inconsistent with any
" treaty or treaties which should have been or might
" be entered into by His Majesty, his heirs and
" successors, and any country or state at amity
" with His Majesty, or which might be inconsistent
" with any Act or Acts of Parliament which had
" been passed for the regulation of the trade and
" commerce of the said British territories in India;
" and whereas by an other Act passed in the 53d year
" of the reign of His present Majesty, entitled "An
" Act for continuing in the East India Company
" for a further term, the possession of the British
" territories in India, together with certain exclusive
" privileges for establishing further Regulations for
" the government of the said territories, and the
" better administration of justice within the same;
" and for regulating the trade to and from the places
" within the limits of the said Company's charter"
" all the enactments, provisions, matters, and things
" contained in any Act or Acts whatsoever which
" were limited, or might be construed to be limited
" to continue for and during the term granted to the
" said Company by a certain Act of the Parliament
" of Great Britain of the 33d year of His present
" Majesty therein recited, so far as the same or any
" of them were in force and not repealed by, or
" repugnant to, the said Act of the 53d year of His

" said present Majesty, should continue and be in
" force during the further term thereby granted to
" the said Company, subject to such alterations
" therein as might be made by any of the enact-
" ments, provisions, matters, and things in that Act
" contained.

" The Court of Directors of the United Company
" of Merchants of England trading to the East
" Indies, in virtue of the powers granted to them by
" the aforesaid Acts, have framed the following Re-
" gulation for carrying on the trade to and from the
" British possessions in India and the countries and
" states in amity with His Majesty.

1st. " Foreign European ships belonging to any
" nation having a settlement of its own in the East
" Indies and being in amity with His Majesty, may
" freely enter the British sea-ports and harbours in
" that country, whether they come directly from
" their own country, or from any of the ports and
" places in the East Indies. They shall be hospita-
" bly received, and shall have liberty of trade there
" in imports and exports conformably to the Regu-
" lations established in such places; provided that
" it shall not be lawful for the said ships, in time of
" war between the British government and any
" state or power whatever, to export from the said
" British territories, without the special permission
" of the British government, any military stores or
" naval stores, saltpetre or grain. The said ships
" may also be cleared out for any port or place in
" the East Indies; but if cleared out for Europe,
" shall be cleared out direct for the country in
" Europe to which such ships respectively belong.

II. First. " Foreign European ships belonging " to countries having no establishment in the East " Indies, may (when those countries and states " respectively are in amity with His Majesty) freely " enter the ports of the principal British settlements " in the East Indies, viz. Calcutta, Madras, Bom- " bay and Prince of Wales' Island only. They shall " be hospitably received there, and have free liberty " to trade in imports and exports conformably to " the Regulations of the place; provided that it " shall not be lawful for the said ships, in time of " war between the British government and any " state or power whatever, to export from the said " British territories, without the special permission " of the British government, any military stores or " naval stores, saltpetre or grain; and provided also, " that the said ships proceed from their own ports " direct to the said principal British settlements, " without touching at any port or place whatever in " the voyage out, except from necessity and merely " to procure refreshments or repairs in case of dis- " tress or accidents in the course of such voyage, " the burthen of the proof of which necessity to " rest on the parties.

Second. " The vessels of the said European " powers last aforesaid shall not carry any of the " articles exported by them from the said British " territories to any port or place, except to some " port or place in their own countries respectively " where the same shall be unladen. The said ships " should not be cleared out to carry on the coasting " or country trade in India; but vessels going " with their original cargoes, or part thereof, from " one principal British port of discharge to another

" principal British port, are not to be considered as
" carrying on the coasting trade.

Third. " The said vessels shall not be allowed
" to proceed, either with or without return cargo,
" from the said British territories to the settlements
" or factories of any foreign European nation in
" India, or to the territory of any Asiatic potentate
" or power, except from the like necessity, as is
" before described, of which the proof shall rest
" with them, nor shall the said vessels be allowed
" to enter the river in that part of the British terri-
" tory situated in Bengal for any other purpose than
" that of proceeding to the port of Calcutta for trade,
" refreshment or repairs.

Fourth. " In clearing out for their respective
" countries, the clearance shall be a direct one to
" the country to which the vessel belongs, and to no
" other whatever.

III. " The trade between the British posses-
" sions in India, and the United States of America,
" shall be regulated by the convention of commerce
" between Great Britain and the United States of
" America, signed at London the 3d July, 1815.

APPENDIX.

Article III of a convention of commerce between Great Britain and the United States of America, signed at London, 3d July 1815.

Article III of a convention of commerce between Great Britain and America.

" His Britannic Majesty agrees that the vessels " of the United States of America shall be admitted " and hospitably received at the principal settle- " ments of the British dominions in the East Indies, " viz. Calcutta, Madras, Bombay and Prince of " Wales' Island ; and that the citizens of the said " United States may freely carry on trade between " the said principal settlements and the said United " States, in all articles of which the importation " and exportation respectively to, and from the said " territories, shall not be entirely prohibited : pro- " vided only, that it shall not be lawful for them, " in any time of war between the British govern- " ment and any state or power whatever, to export " from the said territories, without the special per- " mission of the British government, any military " stores or naval stores, or rice. The citizens of " the United States shall pay for their vessels, " when admitted, no higher or other duty or charge " than shall be payable on the vessels of the most " favoured European nations ; and they shall pay " no higher or other duties or charges on the impor- " tation or exportation of the cargoes of the said " vessels, than shall be payable on the same articles " when imported or exported in the vessels of the " most favoured European nations.

" But it is expressly agreed that the vessels of " the United States shall not carry any articles from " the said principal settlements to any port or place " except to some port or place in the United States " of America, where the same shall be unladen.

" It is also understood that the permission granted " by this article is not to extend to allow the vessels

" of the United States to carry on any part of the
" coasting trade of the said British territories ; but
" the vessels of the United States having in the first
" instance, proceeded to one of the said principal
" settlements of the British dominions in the East
" Indies, and then going with their original cargoes,
" or any part thereof from one of the said principal
" settlements to another, shall not be considered as
" carrying on the coasting trade. The vessels of the
" United States may also touch for refreshments, but
" not for commerce, in the course of their voyage
" to or from the British territories in India, or to or
" from the dominions of the Emperor of China, at
" the Cape of Good Hope, the Island of St. Helena,
" or such other places as may be in the possession
" of Great Britain in the African or Indian Seas ;
" it being well understood that, in all that regards
" this article, the citizens of the United States shall
" be subject, in all respects, to the laws and regula-
" tions of the British government, from time to
" time established."

A. D. 1819. REGULATION VII.

A REGULATION, for modifying and explaining certain parts of Regulation II, 1816, and of other Regulations now in force for the collection of customs.—Passed by the Governor in Council of Fort St. George, on the 10th July 1819.

WHEREAS it is provided in Regulation II, 1816, Preamble.

that sundry articles, if imported in the manner specified in the second Clause of that Regulation, shal be exempt from duty; and whereas it has beer considered expedient, with a view to the furthei encouragement of British commerce, that a like exemption should be extended to sundry other articles; and whereas it has been further deemed advisable to modify and explain some of the provisions at present in force for the collection of government customs: The following rules have been enacted, to be in force from the date of their promulgation throughout the territories immediately dependent on the presidency of Fort St. George.

Specification of articles to which the exemption from duty contained in Section III, Regulation II, 1816, is declared to extend.

II. The exemption from duty contained in Section III, Regulation II, 1816, is hereby extended to the articles hereinafter specified, and generally to all articles coming under the description of wrought or unwrought metals, being the produce or manufacture of the United Kingdom of Great Britain and Ireland; that is to say:

Cutlery,
Table and kitchen utensils,
Trinkets, composed wholly or chiefly of metals,
Locks, bolts and hinges,
Scales and weights,
Clocks, watches and time-keepers,
Nails of iron and copper,
Hatchets, hammers, saws, and ironmongery of all sorts,
Sheet copper and sheet iron,
Wire of iron, brass, steel, silver and gold,
Lead, in sheets, cast or rolled,
Copper pumps,
Mathematical instruments,

Fire engines,
Tin ware,
Shot for fowling,
Bellows,
Braziery.

III. The following articles are hereby declared to be marine stores, within the meaning of Section IV, Regulation II, 1816, and to be exempt from duty, if imported in the manner therein specified.

Enumeration of articles, to be considered as marine stores, and as such to be exempt from duty if imported in the manner specified in Section IV, Regulation II, 1816.

Anchors,
Blocks of sorts,
Boxes, pump,
Buntin of sorts,
Masts and spars of all sorts,
Bells for ships,
Canvas of all sorts,
Copper rings,
Mooring chains,
Channel work for ships,
Azimuth, hanging and steering compasses,
Cordage of all descriptions,
Deals of sorts,
Capstern furniture,
Time and binnacle glasses,
Grapnels,
Figure heads,
Pump hide,
Kentledge,
Lantherns,
Lines and twine,
Scupper leather,
Sail needles of sorts,
Spars of sorts,
Tar and pitch,

Palm irons,
Hawse rollers,
Rosin,
Sheaves and pins of sorts,
Speaking trumpets of sorts,
Vitry,
Varnish.

All such parts of the Regulations as exempt from duty the Company's commerce or goods purchased at the Company's sales, rescinded.

IV. Such parts of Section XXVII, Regulation IX, 1803, of Section XIX, Regulation X, 1803, of Section XXIII, Regulation XI, 1803, and of Section XIV, Regulation I, 1812, and all such parts of any Regulation, as exempt the commerce of the Honorable Company or goods purchased at the Honorable Company's sales from payment of duties, are hereby rescinded.

Goods originally imported on British or Asiatic bottoms at ports subject to the British government in India, to be exempted from further duties on their subsequent importation at any other port subject to this presidency.

Provided the duty established by the Regulations does not exceed the duty retained at the port where the goods were first imported.

Certificates in proof of the duty having been paid, to be produced.

V. First. All goods which may be originally imported by sea on British vessels, or on vessels belonging to native inhabitants of the British territories, or to subjects of native powers of Asia, at any port in the territories subject to the British government in India, and shall afterwards be re-exported to Madras, or any port immediately dependent on this presidency, shall, in cases in which the duty established by the Regulations of this Government, at the port where the said goods are last imported does not exceed the amount of the duty retained at the port into which they were first imported, be exempt from all further duty on such last importation, on the production of a regular certificate from the proper officer, of the amount so paid and retained at the port of original importation.

In cases in which the

Second. In like manner in cases in which the

duty established at the port where the goods are subsequently imported, may exceed the amount retained at the port of original importation, the difference only will be levied on such subsequent importation.

established duty may exceed the amount levied at the port where the goods were first imported, the difference only to be demanded at the port of subsequent importation, &c.

VI. The rule contained in Clause first, Section VIII, Regulation II, 1816, is hereby declared applicable to indigo, the produce of any part of the British territories in India.

Explanation of the rule contained in Clause first, Section VIII, Regulation II, 1816.

VII. First. The provisions regarding drawback, contained in Clause second, Section VIII, and Section X, Regulation II, 1816, are hereby declared subject to the following modifications.

The provisions contained in Clause second, Section VIII, and Section X, Regulation II, 1816, modified.

Second. In all cases in which an export duty is payable under the existing Regulations on goods which shall have previously paid an inland or transit duty, such export duty shall be altogether remitted on the exportation of such goods to the United Kingdom: provided however, that in such cases such a drawback only shall be allowed as shall reduce the amount of duty retained to 2½ per cent. and where the inland duty shall not exceed that rate, no drawback shall be allowed.

Goods chargeable with an export duty on which an inland duty has been paid, to be exempted from the export duty on their exportation to the United Kingdom.

Provided such a drawback only be allowed as will reduce the duty retained to 2½ per cent. In cases where the inland duty shall not exceed that rate, no drawback to be allowed.

Third. In like manner in regard to goods not subject to any transit duty, the prescribed export duty on their exportation to the said United Kingdom is reduced to 2½ per cent.

On goods not subject to a transit duty, the export duty to be reduced to 2½ per cent.

VIII. The schedules annexed to this Regulation, exhibiting the duties payable, and the drawbacks allowed, on the several articles of com-

Schedules exhibiting duties and drawbacks, published for general information.

merce therein specified, are published for general information.

TABLE No. I.

TABLE of the duties levied on articles the produce or manufacture of the United Kingdom, or of foreign Europe, imported from the United Kingdom on vessels trading under the provisions of the Acts for regulating the direct and circuitous trade between the United Kingdom and India.

ENUMERATION OF GOODS.	The produce or manufacture of the United Kingdom.	The produce or manufacture of Foreign Europe.
Anchors and grapnels.....	no duty	5 per cent.
Articles for wearing apparel not of woollen manufacture	2½ per cent	do.
Beads.....	do.	do.
Beer.....	do.	do.
Bellows.....	no duty	do.
Bird shot.....	do.	do.
Blacking and brushes.....	2½ per cent	do.
Blankets.....	no duty	do.
Blocks of sorts.....	do.	do.
Bottles empty.....	2½ per cent	do.
Boxes pump.....	no duty	do.
Brass work and ware.....	do.	do.
Broad cloth.....	do.	do.
Braziery.....	do.	do.
Buntin.....	do.	do.
Camblets.....	do.	do.
Canes and rattans.....	2½ per cent	do.
Canvas.....	no duty	do.
Capstern furniture.....	do.	do.
Carriages and conveyances...	2½ per cent	do.
Carpets of woollen manufacture	no duty	do.
Chalk.....	2½ per cent	do.
Channel work for ships.....	no duty	do.
Clocks	do.	do.
Coals.....	2½ per cent	do.
Coffin furniture.....	no duty	do.

Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of Foreign Europe.
Compasses azimuth, hanging and steering	no duty	5 per cent
Confectionery and sweetmeats	2½ per cent	do.
Copper of every description	no duty	do.
Copper pumps	do.	do.
Copper rings	do.	do.
Coral	.....	do.
Cordage	no duty	do.
Corks	2½ per cent	do.
Cotton screws iron	no duty	do.
Cotton yarn and thread	2½ per cent	do.
Crystal ware	do.	do.
Cutlery	no duty	do.
Cyder and Perry	2½ per cent	do.
Deals of sorts	no duty	do.
Earthen ware	2½ per cent	do.
Eatables	do.	do.
Engravings	do.	do.
Figure heads	no duty	do.
Feltering stones	2½ per cent	do.
Flint stones	do.	do.
Fire and garden engines	no duty	do.
Furniture household	2½ per cent	do.
Glass and Glass ware of every description	do.	do.
Gold and silver lace	do.	do.
Gold leaf	no duty	do.
Guernsey shirts	do.	do.
Guns and pistols	do.	do.
Gun powder	2½ per cent	do.
Hammers, hatchets and saws	no duty	do.
Hawse rollers	do.	do.
Hose woollen	do.	do.
Jewellery	do.	do.
Iron	do.	do.
Iron butts, hoops, rivets and sheet	do.	do.
Iron cables	do.	do.
Iron chains	do.	do.
Iron chests	do.	do.

Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of Foreign Europe.
Iron kentledge	no duty	5 per cent
Iron knees	do.	do.
Ironmongery and Iron work of every description	do.	do.
Iron, plate or wrought	do.	do.
Kentledge	do.	do.
Kitchen utensils	do.	do.
Lace	2½ per cent	do.
Lacquered ware not metal	do.	do.
Lantherns	no duty	do.
Lead in sheets, cast or rolled	do.	do.
Leather of sorts	2½ per cent	do.
Lines and twine	no duty	do.
Locks, bolts and hinges	do.	do.
Mangles or hackles of iron	do.	do.
Marble slabs and tiles	2½ per cent	do.
Masts, spars and oars	no duty	do.
Mathematical instruments	do.	do.
Medicines	2½ per cent	do.
Metals wrought or unwrought	no duty	do.
Mooring chains	do.	do.
Musical instruments	2½ per cent	do.
Nails of iron or copper	no duty	do.
Oils	2½ per cent	do.
Ochre	do.	do.
Opium	.....	40 Rs. per viss
Paint and paint brushes	2½ per cent	5 per cent
Palm irons	no duty	do.
Perfumery	2½ per cent	do.
Piece goods	do.	do.
Pictures	do.	do.
Pitch and tar	no duty	do.
Plate and plated ware	do.	do.
Printed cotton and calicoes	2½ per cent	do.
Pump hide	no duty	do.
Quick silver	.....	do.
Red and white lead	2½ per cent	do.
Rosin	no duty	do.
Sadlery	2½ per cent	do.
Sail needles	no duty	do.

Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of Foreign Europe.
Salt	350 Rs. ⅌ garce	350 Rs. ⅌ garce
Scupper leather	no duty	5 per cent
Seeds of sorts	2½ per cent	do.
Shawls, woollen manufacture	no duty	do.
Sheaves and pins	do.	do.
Shot	do.	do.
Soda water	2½ per cent	do.
Spars	no duty	do.
Speaking trumpets	do.	do.
Spirituous liquors	8 per cent	8 do.
Spirits of turpentine	2½ do.	5 do.
Stationery and Books	do.	do.
Steel	no duty	do.
Table utensils	do.	do.
Tallow	2½ per cent	do.
Time and binnacle glasses	no duty	do.
Tin	do.	do.
Tin plates and tin ware of every description	do.	do.
Tobacco and snuff	2½ per cent	do.
Tobacco pipes	do.	do.
Toys of iron or tin	no duty	do.
Types	do.	do.
Trinkets composed wholly or chiefly of metal	do.	do.
Turpentine	2½ per cent	do.
Varnish, copal, used by coach-makers	do.	do.
Ditto for ships	no duty	do.
Vegetable syrup	2½ per cent	do.
Verdigrise	do.	do.
Vinegar	do.	do.
Vitry	no duty	do.
Watches and time-keepers	do.	do.
Weights and scales	do.	do.
Wire of iron, brass, steel, silver and gold	do.	do.
Wines and spirits	8 per cent	8 do.
Woollens	no duty	5 do.
All articles not specified above	2½ per cent	do.

TABLE No. II.

TABLE of the rates of duties levied on the following goods (not being the produce or manufacture of the United Kingdom or of foreign Europe) on their importation into Madras by sea on British or Asiatic bottoms or on foreign bottoms other than Asiatic, and the drawbacks allowed on re-exportation to the United Kingdom, on vessels trading under the provisions of the Acts for regulating the direct and circuitous trade between the United Kingdom and India.

ENUMERATION OF GOODS.	If imported on a British or Asiatic Bottom.		If imported on a Foreign Bottom.	
	Import duty.	Drawback on re-exportation to the United Kingdom.	Import duty.	Drawback on re-exportation to the United Kingdom.
Animals.....	no duty.....	no drawback.	no duty.....	no drawback.
Bullion and coin...	no duty.....	no drawback.	no duty.....	no drawback.
Cotton.....	no duty.....	no drawback unless duty have been paid at a subordinate port under Section XII, Regulation II, 1812, in which case a drawback of the whole of such duty is allowed.	no duty.....	no drawback unless duty have been paid at a subordinate port under Section XII, Regulation II, 1812, in which case a drawback of the whole of such duty is allowed.
Hemp and sunn....	8 per cent on the value.	The whole duty.	16 per cent on the value.	The whole duty.
Indigo (manufacture of the British territories in India)	8 per cent on a valuation of 716 rupees per candy.	The whole duty.	16 per cent on a valuation of 716 rupees per candy.	The whole duty.
Opium—imported on a British or Foreign ship unaccompanied by certificate of its having been purchased at the Company's sales	40 rupees per viss.	no drawback.	40 rupees per viss.	no drawback.
Precious stones....	no duty.....	no drawback.	no duty.....	no drawback.

Enumeration of Goods.	If imported on a British or Asiatic Bottom.		If imported on a Foreign Bottom.	
	Import duty.	Drawback on re-exportation to the United Kingdom.	Import duty.	Drawback on re-exportation to the United Kingdom.
Rice—imported from ports eastward of Cape of Good Hope	no duty S.	no drawback	no duty	no drawback.
Rice—imported from any other place	5 per cent.	2½ per cent.	10 per cent.	7½ per cent.
Spirits	8 per cent on the value and an excise duty of 350 rupees per 100 gallons.	6½ per cent on the value and the whole excise duty.	16 per cent on the value and an excise duty of 350 rupees per 100 gallons.	13½ per cent and the whole excise duty.
Sale (foreign)	350 rupees per pipe.	no drawback	350 rupees per pipe.	no drawback.
Wines	8 per cent on the value.	5½ per cent.	16 per cent on the value.	13½ per cent.
Beer, Hollands, Gin, Geneva, Goodawhe, Tobacco.	As per Regulation II and III of 1812.	The excess above 25 per cent. on the value.	As per Regulation II and III of 1812.	The excess of the duty above 25 per cent. on the value.

With the above exceptions, all articles when imported on a British or Asiatic vessel, are charged with an import duty of 5 per cent and allowed a drawback of 5½ per cent; and when imported on a foreign vessel other than Asiatic, are charged with an import duty of 10 per cent and allowed a drawback of 13½ per cent.

TABLE No. III.

TABLE shewing the result of the adjustment of internal or transit duties and of drawbacks on goods exported by sea to the United Kingdom on vessels trading under the provisions of the Acts for regu-

lating the direct and circuitous trade between the United Kingdom and India.

Enumeration of Articles.	Duty.
Animals	No duty.
Bullion and coin	do.
Cotton	do.
Hemp and sunn	do.
Indigo	do.
Opium	Duty of 40 rupees per ton.
Precious stones and pearls	No duty.
Rice and grain of all sorts (at subordinate ports)	Duty of 2½ per cent.
Do. Do. at Madras	No duty.
All other articles	A duty of 2½ per cent. on the net value of the gross proceeds, adjudged to be due back when duties have previously paid.

A. D. 1819. REGULATION VIII.

A Regulation, for rescinding Regulation IX of 1802.

Preamble.

The system prescribed by Regulation IX of 1802 for the preparation of Regulations by the several authorities therein specified, regarding matters within their cognizance respectively, has not been found productive of the desired effect. The time and attention of the judges of the sudr and foujdaree adalat have been much occupied, and their other

important duties frequently impeded by the revision of Regulations which, being drafted by officers of various departments not experienced in that duty, were often found defective in point of form, and otherwise unfit for adoption without considerable alterations. Moreover, the judges of the court of sudr and faujdaree adalut, in performing the duty with which they were charged, of revising Regulations prepared in other departments, stood often in need of information to which they could not have access except by a circuitous reference. It appears, further, to be inconsistent with general and acknowledged principles of good government, which require the separation of the legislative and judicial functions, that laws, which are to regulate the decisions of the courts of justice, should be finally prepared for promulgation by the court exercising the highest civil and criminal jurisdiction, whose duty it is to expound and interpret those laws in the last resort. The Right Honorable the Governor in Council has, therefore, resolved to rescind Regulation LX of 1802, and to make such special provision as may appear from time to time expedient for bringing under the notice and consideration of Government, with the opinion of the highest authorities in each department, the legislative rules which the judicial, revenue and commercial authorities may deem it advisable to propose respecting matters coming within their cognizance, and for reducing into the form of Regulations, as prescribed in Regulation I of 1802, such of the proposed rules as may finally be adopted by the Government. The Right Honorable the Governor in Council has accordingly enacted as follows.

Rescission of Regulation IX of 1802.

II. Regulation IX of 1802 is hereby rescinded.

A. D. 1829. REGULATION I.

A REGULATION, for rescinding Regulation I of 1803, and for prescribing the rules under which arrack, toddy, and other spirituous and fermented liquors, shall be manufactured and sold within the territories subject to the presidency of Fort St. George, without the limits of the jurisdiction of the supreme court of Madras.—Passed by the Governor in Council of Fort St. George, on the 2d June 1829.

Preamble.

WHEREAS the provisions of Regulation I of 1803 have been found inefficient to restrain the immoderate use of intoxicating liquors, and are otherwise defective, and it is expedient that the same be revised and amended, and that restrictions be imposed on the sale of toddy, and on the transit and custody of foreign or country spirits; and whereas it is necessary for the due security of the revenue derived from these sources, that discretionary authority be vested in collectors, either to retain the sale of spirituous liquors under their own management on account of the Government, or to rent the sale to farmers; and likewise to authorize renters to subrent their farms, and to enable them to recover by summary process, any arrears that may be due to them by their under renters: The Right Honorable the Governor in Council has resolved to rescind

Regulation I of 1808; and to enact the following rules, to be in force from the date of their promulgation in the territories subject to the presidency of Fort St. George, excepting the town of Madras and the limits of His Majesty's supreme court of judicature.

II. Regulation I of 1808, and such parts of Sections XLIV and XLV, Regulation IX of 1816, and of Section XXXVIII, Regulation X of 1816, as relate to certain Clauses of Regulation I of 1808, are hereby rescinded.

Rescissions.

III. All persons are forbidden to manufacture or sell rum, arrack or other spirits; or toddy or other fermented liquors, except in conformity with the provisions of this Regulation.

Spirituous liquors may be manufactured and sold only in conformity with this Regulation.

IV. First. The board of revenue are hereby authorized to empower collectors to grant to europeans, descendants of europeans, armenians or other persons whom such collectors may approve, licenses to establish, in such places as may appear to the board to be proper, distilleries for manufacturing rum, arrack or other spirits, by process of distillation similar to the european system; and such licenses shall accordingly be issued by the collectors under their official signature, on the parties to whom they may be granted executing counterparts of such licenses, to be lodged with the said collectors respectively.

Licenses to europeans for the establishment of distilleries will be granted by the collectors under the orders of the board of revenue.

Second. The license for the establishment of every such distillery shall be prepared according to a form to be approved by the board of revenue, and

Stipulation for the export of all the produce of such distilleries.

shall contain a stipulation that the whole of the spirituous liquor manufactured at such distillery shall be exported by sea.

Penalty for the breach of the foregoing provisions.

Third. Any european or descendant of a european, or other person, who, in breach of the stipulation in his distillery license held under the provisions of this Section, shall, directly or indirectly, sell or permit to be sold, any such spirituous liquors to any european sailor or soldier, or to any native of India or other person, shall, on proof thereof to the satisfaction of the collector, be liable to the forfeiture of his license, under the orders of the board of revenue, to whose final decision every such case shall be referred.

No european british subject to be allowed to establish a distillery until he has produced his license to reside.

Fourth. It is hereby declared, that no license for the establishment of a distillery shall be granted to any British subject until he shall have complied with the provisions of the Act of the 53d Geo. III. Cap. 155, Clause 108; and shall produce to the collector the copy duly attested by the civil judge of the zillah, of the license granted to him by the Government permitting him to reside at the place in which such distillery is intended to be established.

Penalty for working distillery without license.

Fifth. Any person who shall be found working a distillery of the kind above specified, without obtaining a license, or after the period for which his license was granted, and before obtaining a renewal thereof, or after the forfeiture of his license under the provision of Clause fourth of this Section, shall, on proof of the fact before the criminal judge of the zillah, forfeit all the spirits manufactured at such distillery, together with all the stills, vessels and other move-

ables appertaining thereto; and also the sum of two rupees for every gallon which each still in such distillery is calculated to contain, for each day in which he shall appear to have worked such still in the said distillery without a license.

The exclusive manufacture and sale of spirituous liquors may be farmed out or retained, under the orders of the board of revenue.

V. First. The board of revenue are hereby authorized to empower collectors, either to retain the exclusive privilege of manufacturing country arrack, toddy and other fermented liquors, as well as the retail sale of foreign or country manufactured spirits, toddy and other fermented liquors, in their respective districts, under their own immediate management on account of Government; or to rent out those privileges, jointly or separately, for such periods as may be deemed eligible.

Board of revenue to frame general rules.

Second. The board of revenue are also authorized and directed to frame rules; and from time to time as occasion may require, to alter, amend and enlarge such rules, for regulating the exclusive manufacture and sale of country arrack, toddy and other fermented liquors; and the exclusive sale of foreign spirits; and for determining the places, at which stills and shops shall be erected, and the number of such in each zemindaree or other division of territory; the rates to be established, and measures to be used in the sale of such spirits and liquors; the due publication of such rates and measures; and generally all matters, relating to the detailed management and control of such distilleries and shops.

No stills or shops to be established, but under a license according to a form to

VI. First. Forms of licenses for renting out the exclusive privilege of manufacturing country arrack, toddy or other fermented liquors, and of retailing

be prepared by the board of revenue.

spirituous liquors, shall be prepared by the board of revenue; and no renter shall be allowed to establish a still or shop until he shall have obtained such license from the collector of the district, and executed a counterpart thereof to be lodged with the said collector.

Specifications of the license.

Second. The license shall specify the amount of rent by the year to be paid during the period for which the rent is farmed, the amount of the kists and the times when they are to be discharged, the minimum price at which the liquor is to be sold, the number of stills and shops to be established, and the places at which they are to be fixed. The license shall likewise contain stipulations that the renter shall not allow any noxious ingredients to be used in the preparation and manufacture of liquor; and that he shall use his best endeavours to prevent all forbidden and improper practices at the shops to be opened under his license.

Muchilkas of distilleis and venders under the renter.

Third. Muchilkas or engagements shall be prepared by the board of revenue to be translated into the country languages, particularizing the rules to be observed by persons employed by the renters to superintend distilleries or shops for the manufacture or vend of spirituous liquors.

Muchilkas of distillers what to specify.

Fourth. The muchilkas of persons entrusted with the superintendence or management of distilleries shall specify, that they will not mix or knowingly permit to be mixed in the liquors distilled at the stills under their charge respectively, any ingredient pernicious to health, such as chunam, oomittakáy or other material intended to increase the

power of the spirit or to add to its intoxicating quality.

Fifth. The muchilkas of persons in charge of shops for the retail sale of spirits shall contain stipulations necessary to prevent such shops from becoming places of drunkenness, or the haunts of thieves or persons of notoriously bad character, and shall forbid the receiving of grain, goods, wearing apparel, or other effects in barter or pawn for liquor, and likewise the selling of liquor to european soldiers and sailors.

Muchilkas of venders what to specify.

Sixth. Every person placed by the renter, or by the collector when the abkary is retained in his management, in charge of a still or shop, shall sign in duplicate the muchilka mentioned in the foregoing Clauses, after the same shall have been read over by him, or read and explained to him if he is unable to read it himself. Two creditable persons shall be present when the muchilka is acknowledged and executed by him, and shall sign their names in testimony of such acknowledgment; one copy of the said muchilka shall be deposited with the collector, and the other shall be fixed up in some conspicuous place of the shop or distillery.

Muchilkas how to be executed.

Seventh. Persons charged with having mixed or permitted to be mixed, noxious ingredients with the liquors, prepared or distilled by them, or under their directions, shall be committed for trial before the court of circuit, and on conviction of such offence shall be subject to imprisonment and hard labour on the public roads for a period not exceeding three

Penalty for mixing noxious ingredients in the distillation of arrack.

Imprisonment and hard labour not exceeding three years.

Penalty for harbouring thieves, &c.

Eighth. Persons convicted before the magistrate of permitting drunkenness and riot in their shops, or of harbouring thieves or persons of notoriously bad character, or of bartering or pawning liquor for grain, wearing apparel or other effects, shall be sentenced to pay such fine, not exceeding two hundred rupees, as may appear to the magistrate an adequate punishment for their offence; the amount of such fine to be levied by distress and sale of the property of the offender; or, if no property of such offender be found, or not sufficient to pay the amount of such fine, or otherwise in default of the payment of such fine, such offender shall be sentenced to imprisonment for such time, as may appear to be a fair commutation for such fine or portion of the fine, as may be due: provided that such imprisonment shall in no case exceed six months.

Fine not exceeding 200 rupees.

Or imprisonment not exceeding six months.

Penalty for distilling or selling without a license.

Ninth. Any person who shall erect a still or establish a shop or sell liquor without a license, or at any other place or places than the place or places mentioned in his license, and kabooleat, or after the expiration of his license and before having obtained a renewed license shall, on conviction before the criminal judge, be sentenced to pay such fine, not exceeding four hundred rupees, as may appear adequate to his offence; the amount of such fine to be levied by distress and sale of the property of the offender, or if no property of such offender be found, or not sufficient to pay the amount of such fine, or otherwise in default of the payment of such fine, the offender shall be sentenced to imprisonment and hard labour for such time, as may appear to be a fair commutation for such fine or portion of the fine, as may be due: provided that for such fine

Fine not exceeding four hundred rupees.

Or imprisonment not

the imprisonment shall in no case exceed twelve months.

exceeding twelve months.

VII. Collectors shall, on requisition made to them to that effect, furnish criminal judges of their respective zillahs with lists of the names and residence of all persons authorized to work stills or superintend shops under any of the provisions of this Regulation, specifying the places at which such persons are permitted to establish stills or shops.

Collectors to furnish criminal judges with lists of licensed persons when required.

VIII. Collectors are empowered to proceed against renters under this Regulation for the recovery of arrears due by them, in like manner as for the recovery of arrears from defaulters in the land revenue.

Collectors empowered to recover arrears by summary process.

IX. First. Persons who shall have rented the exclusive manufacture or sale of spirituous liquors, are hereby declared to be authorized to subrent their farms on such pecuniary terms as they may respectively agree upon.

Renters of abkary may subrent.

Second. It is hereby declared, that the engagements to subrent abkary privileges and farms; as well as receipts and acknowledgments between renters and sub-renters, are not required to be written on stampt paper, but shall be exempt from stamp duty in the same manner as instruments of correspondent descriptions which have relation to lands subject to the payment of revenue to Government are exempt therefrom under Clause first, Section XII, Regulation XIII of 1816.

Agreements to subrent not to be executed on stampt paper.

Third. Sub-renters of the privilege of distilling or selling spirituous liquors shall respectively execute,

Subrenters to execute the muchilka

prescribed in Section VI.

in the mode prescribed in Clause sixth, Section VI of this Regulation, the muchilka enjoined to be entered into by persons engaged in distilling or selling spirituous liquors.

Renters authorized to recover arrears from sub-renters by summary process.

X. Renters under this Regulation are authorized to proceed against sub-renters for the recovery of arrears in the same manner as it is prescribed, that recovery of arrears of the land revenue shall be recovered by landholders from their tenants.

No spirits to pass without a permit; and no one to have any spirits in custody without a permit.

XI. First. The transit of any quantity exceeding one seer of spirituous liquor without a permit, is hereby prohibited, and all persons not being renters or officers of Government authorized to dispose of spirituous liquors, are prohibited from having in their possession any quantity thereof exceeding one seer without a valid permit.

Permits by whom to be issued and what to specify.

Second. Permits for the transit of spirituous liquors, shall be issued only by the collectors or their assistants, or by abkary renters or their sub-renters Each permit so issued shall specify the quantity of liquor, which it is intended to protect; the name of the person to whom, and the period for which, it is granted; the place from which the liquor is to be removed, and the place to which it is to be carried.

Permits how far valid.

Third. The permit of a collector or his assistant shall pass any quantity of spirituous liquor, and shall be held valid throughout the territories subject to the Government of Fort St. George; the permit of an abkary renter or of his sub-renter shall not pass more than 150 gallons of spirituous liquor, or one leaguer, and shall not be held valid beyond the

boundaries of his own farm. To protect the transit of spirituous liquor exceeding 150 gallons, or one leaguer, not produced within the boundaries of his farm, a renter, like other individuals, must apply for a permit to the collector or his assistant.

Limitation as to the issue of permits.

XII. In order to confine the retail sale of spirituous liquors exclusively to the officers of Government, or to renters or sub-renters authorized to sell the same, the collectors and their assistants are hereby prohibited from granting permits for any quantity of spirituous liquors less than two leaguers, except to abkary renters or sub-renters; or to their own agents for the sale of liquor on account of Government; or to european gentlemen, on account of liquor for their private use; but collectors or their assistants may issue permits for the custody, or transit of any quantity of liquor exceeding that abovementioned to wholesale dealers, or others possessed of, or desirous of purchasing the same.

Collectors may demand security from persons possessed of more than two leaguers of spirits.

XIII. First. Collectors shall be at liberty to demand from those who may have in custody more than two leaguers of spirituous liquor, full and ample security that the same shall not be disposed of in any quantity less than two leaguers, except to the renters, sub-renters, or officers of Government.

And in default thereof may secure the liquor by seal and lock and key.

Second. In the event of the persons in whose custody such liquor may be placed, not producing security which the collector may deem satisfactory, the collector shall be at liberty to place his seal upon the doors of the premises where the same may be deposited, and to secure them further by a lock and key. The owner, however, with the privity of the collector,

shall continue to have access to his property at all reasonable times; it being understood that the charge and custody of the liquor shall remain with him, and that the seal and lock of the collector are merely intended to prevent the illicit removal or sale thereof.

Spirituous liquor on transit without a valid permit, or in the possession of any one unaccompanied by a permit, liable to confiscation.

XIV. All spirituous liquor passing through the territories under this Government, without the limits of the supreme court of judicature at Madras, unaccompanied by a valid permit, or materially differing from the quantity specified in the permit, and all spirituous liquors found in the possession of wholesale dealers or others, not being renters or officers of Government, authorized to dispose thereof, without the party possessing a valid permit, shall be liable to be confiscated by the collectors, subject to the orders of the board of revenue: one third of the proceeds, when confiscated, shall be carried to the account of Government, and the remainder shall be divided between the informer and the person making the seizure, in such proportion as the collector, under the orders of the board of revenue, may deem just and proper.

And the parties liable to punishment.

XV. All persons passing spirituous liquor unaccompanied by a valid permit or materially exceeding the quantity specified in the permit; all persons attempting the same; all persons having in their possession spirituous liquors exceeding one seer without a valid permit; and all persons who, without the privity of the collector, shall remove the seal or lock which he is authorized by Section XIII of this Regulation to place on the doors of certain premises, shall, on proof thereof before the criminal judge,

be liable to the payment of a fine in no case exceeding five hundred rupees, and in default of payment, to imprisonment for a period not exceeding twelve months.

Fine not exceeding 500 rupees,

or imprisonment not exceeding twelve months.

XVI. First. Magistrates are hereby authorized to issue search warrants for the discovery of unlicensed stills, or of spirituous liquors illicitly sold, manufactured or deposited in any place, whenever information may be given to them on oath, or obtained by them from proceedings holden in any investigation before them, or from any credible source, that such illicit manufacture, sale or transport has taken place.

Magistrates may issue search warrants to discover illicit distillers, shops, &c.

Second. Provided always, that no such search warrant shall be executed, but between sunrise and sunset, nor in the apartments of women of respectability and credit who do not ordinarily appear in public, except by women who shall be specially deputed by the magistrate to execute such warrant.

Search warrant how to be executed in houses.

XVII. First. Nothing in this Regulation shall be construed to authorize any public officer conducting the sale of spirituous and fermented liquors on account of the Government, or any renter, to compel or require the owner or occupier of any private garden or ground to draw toddy from coco, date or other palm trees; nor shall any such officer or renter have any right of control or interference therewith, other than to prevent the sale by unlicensed persons of toddy drawn therefrom.

Occupiers of private gardens not compellable to draw toddy.

Second. No renter of the exclusive privilege of selling arrack or toddy, shall be entitled to levy any

No abkary tax payable, but to Government.

personal tax, ground rent, quit rent, tope rent, nor any tax payable by toddy drawers unconnected with the exclusive privilege of vending toddy. All such lawful taxes shall be collected by the officers of Government, or by persons appointed by Government to collect them.

A. D. 1820. REGULATION II.

A REGULATION, for giving greater publicity to certain Clauses of the Act of the 53d Geo. III. Cap. 155.

Preamble.

IN order that the native inhabitants of the territories subordinate to the presidency of Fort St. George may be made acquainted with the provisions, which have been recently enacted by the British legislature for protecting their persons and properties against european British subjects residing among them, it has been deemed expedient that such Clauses of the Act of the 53d Geo. III, Cap. 155, as render european British subjects amenable in certain cases to the local courts, and also such Clauses of the said Act as relate in any way to the jurisdiction of the said courts, should be inserted in a Regulation and printed with translations in the country languages: The Governor in Council has therefore been pleased to enact as follows.

Certain clauses of the Act of the 53d Geo. III, Cap. 155,

II. The following Clauses of the Act of the 53d Geo. III, Cap. 155, shall be translated into the per-

sian, teloogoo and tamil languages, and into such other of the native languages as the Governor in Council may hereafter be pleased to direct, and shall be published for the information of the native inhabitants of the territories subordinate to the presidency of Fort St. George, viz.

to be translated into the country languages, and promulgated.

CV. "And whereas His Majesty's British subjects resident in the British territories in India, without the towns of Calcutta, Madras, and the town and island of Bombay, are now, by law, subject only to the jurisdiction of His Majesty's courts at Calcutta, Madras, and Bombay respectively, and are exempted from the jurisdiction of the courts established by the said United Company within the said territories, to which all other persons, whether natives or other inhabitants in the said territories without the limits of the towns aforesaid, are amenable: and whereas it is expedient to provide more effectual redress for the native inhabitants of the said territories, as well in the case of assault, forcible entry, or other injury accompanied with force, which may be committed by British subjects at a distance from the places where His Majesty's courts are established, as in case of civil controversies with such British subjects; be it therefore enacted, that it shall and may be lawful for any native of India, resident in the East Indies, or parts aforesaid, and without the said towns, in case of any assault, forcible entry, or other injury accompanied with force, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the magistrate

Justices of peace in the provinces shall have jurisdiction, in case of assault and trespass committed by British subjects on the natives of India.

" of the zillah or district where the alleged offender
" shall be resident, or in which such offence shall
" have been committed; and that such magistrate
" shall have power and authority, at the instance of
" the person so complaining, to take cognizance of
" such complaint, to hear parties, to examine wit-
" nesses, and, having taken in writing the substance
" of the complaint, defence, and evidence, to acquit
" or convict the person accused; and, in case of
" conviction, to inflict upon such person a suitable
" punishment, by fine, not exceeding five hundred
" rupees, to be levied in case of non-payment by
" warrant under the hand of the said magistrate,
" and upon any property of the party so convicted,
" which may be found within the said district; and
" if no such property shall be found within the said
" district, then it shall be lawful for the said ma-
" gistrate, by warrant also under his hand, to com-
" mit such offender to some place of confinement
" within the said zillah or district, which in the
" judgment of the said magistrate shall be fit for
" receiving such offender; or if there shall be no fit
" place of confinement, then to the gaol of the pre-
" sidency, to remain there for a period not exceeding
" two months, unless such fine shall be sooner paid;
" and it shall be lawful for the said magistrate to
" award the whole or any portion of such fine to the
" party aggrieved, by way of satisfaction for such
" injury: provided always, that in all cases of con-
" viction of a British subject, under the provision
" herein before contained, the magistrate before
" whom such conviction shall take place shall forth-
" with transmit copies of such conviction, and of all
" depositions and other proceedings relative thereto,
" to the Government to which the place wherein the

Copy of conviction and proceedings to be sent to the Government.

" offence was committed is or shall be subordinate: " provided also, that all such fines shall be paid in " the first instance to the magistrate before whom " the party offending shall be convicted, and the " amount thereof, after making such satisfaction to " the party aggrieved, as aforesaid if any, shall be " transmitted by such magistrate to the clerk of the " crown, or other officer to whom it belongs to " receive fines in His Majesty's court of oyer and " terminer and gaol delivery for the province within " which the offence shall have been committed; and " such fines shall and may be disposed of in the " same manner as other fines imposed by such court " of oyer and terminer and gaol delivery: provided " also, that all such convictions shall and may be " removable by writ of certiorari into the said court " of oyer and terminer and gaol delivery respective- " ly, in the same manner, and upon the same terms " and conditions, and shall be proceeded upon in the " same manner in every respect as is directed in the " said Act of the thirty-third year of His Majesty's " reign, with regard to other convictions before " justices of peace in the British settlements or " territories in India: provided also, that nothing " herein contained shall extend, or be construed to " extend to prevent such magistrate from committing " or holding to bail any British subject, charged with " any such offence before him, in the same manner as " such British subject might have been committed or " holden to bail if this Act had not been passed, " where the offence charged shall appear to such " magistrate to be of so aggravated a nature as to " be a fit subject for prosecution in any of His Ma- " jesty's courts to which such British subject may " be amenable."

Fines to be paid to the magistrate.

Application thereof.

Convictions removable by certiorari, and subject to provisions of 33 Geo. III, C. 52.

Justices of the peace to have jurisdiction, in cases of small debts due to natives from British subjects.

"CVI. And be it further enacted, that in all "cases of debt not exceeding the sum of fifty rupees, alleged to be due from any British subject "to any native of India resident in the East Indies "or parts aforesaid, and without the jurisdiction of "the several courts of request established at Calcutta, Madras, and Bombay respectively, it shall "and may be lawful for the magistrate of the zillah "or district where such British subject shall be resident, or in which such debt shall have been contracted, to take cognizance of all such debts, and "to examine witnesses upon oath, and in a summary way to decide between the parties, which "decision shall be final and conclusive to all intents "and purposes; and in all cases where any such debt "shall be found to be due from any British subject "to any such native of India, the amount thereof "shall and may be levied in the same manner, and "subject to the same regulations and provisions, in "respect to the commitment of the debtor, as are "herein-before made and provided in respect to the "levying of fines in case of the conviction of a "British subject before such magistrate.

British subjects residing or trading or occupying immovable property, ten miles from the presidencies, to be subject to the local civil judicature.

"CVII. And be it further enacted, that all British "subjects of His Majesty, as well the servants "of the said United Company as others, who shall "reside, or shall carry on trade or other business, "or shall be in the occupation or possession of any "immovable property in any part of the British "territories in India, at the distance of more than "ten miles from the several presidencies of Fort "William, Fort St. George, and Bombay respectively, shall be subject to the jurisdiction of all "courts which now have, or hereafter may have

"cognizance of civil suits or matters of revenue, "either originally or by way of appeal, within the "districts or places where such British subjects "shall so reside, or carry on trade or business, or "possess or occupy immovable property, in all ac- "tions and proceedings of a civil nature, and in "all matters of revenue, (except as herein after "excepted), in like manner as natives of India, and "other persons not British subjects, are now liable "to the jurisdiction of such courts by and under the "Regulations of the several Governments of Fort "William, Fort St. George, and Bombay respective- "ly: provided always, that no British subject shall "be liable to be sued in any such court in respect "of residence, unless he shall have his residence "within the jurisdiction thereof at the time of com- "mencing the action or proceeding against him; or "that the cause of suit shall have arisen within the "jurisdiction of the said court, and the suit shall be "commenced within two years after the cause "thereof shall have arisen, and also within six "months after the defendant shall have ceased to "reside within such jurisdiction; nor shall any "British subject be liable to be sued in any such "court in respect of his carrying on trade or busi- "ness within the jurisdiction thereof, unless the "cause of suit shall have arisen within such juris- "diction, and shall relate to the trade or business "so carried on; nor to be sued in respect of any "immovable property possessed or occupied by "him, unless such property shall be situated within "the jurisdiction of the court in which he shall be "so sued, and such suit shall be brought to recover "the possession or occupation of such property, or "for rent, or other demand arising out of the pos-

Restrictions as to the grounds of jurisdiction of the local judicatures.

Where an appeal would lie to the sudder dewany adawlut, or local court, British subjects may appeal to His Majesty's courts.

"session or occupation of such property by such "British subject: provided also, that where by the "laws or regulations in force, or hereafter to be in "force, within the provinces respectively subject "to the Governments of Fort William, Fort St. "George and Bombay aforesaid, it would be com- "petent to a party to any final judgment or decree "of any subordinate, civil, or revenue court of judi- "cature, to appeal therefrom to the sudder dewany "adawlut, or other court however denominated, "exercising within those provinces respectively the "highest appellate jurisdiction in civil suits, it shall "be competent to British subjects of His Majesty, "in suits commenced against them under the pro- "visions of this Act, instead of appealing to the "said sudder dewany adawlut, or other court so ex- "ercising the highest appellate jurisdiction as afore- "said, to appeal to the supreme court of judicature at "Fort William, or Fort St. George, or the recorder's "court at Bombay, according as the suit may have "been commenced in the provinces subordinate to "either of the said presidencies; and such court "shall have the same powers as to suspending or "allowing execution of the judgment or decree ap- "pealed against, and as to taking security for costs, "or for the performance of the decree or judgment "of the said subordinate courts, as the said sudder "dewany adawlut or other such court as aforesaid "would have had, and shall also make rules of "practice for the conduct of the said appeals, in all "other respects conforming in substance and effect "as nearly as possible to the course of procedure "of the said sudder dewany adawlut, or other such "court as aforesaid in cases of appeal: provided "also, that nothing herein contained shall extend

Not to bar the jurisdiction of the King's courts.

"or be construed to extend to take away the jurisdiction of the said supreme courts of judicature at Fort William and Madras, or the said recorder's court at Bombay respectively; but that all persons having cause of action against any British subject may, at their election, instead of suing in such provincial courts as hereinbefore provided, commence and prosecute their said suits in the said supreme courts of judicature, and the said recorder's court respectively, in the same manner as before the passing of this Act: provided also, that nothing herein contained shall extend or be construed to extend, to authorize the holding or occupying of any land or other immovable property, beyond the limits of the said several presidencies, by any British subject of His Majesty, otherwise than under and according to the permission of the Governments of the said presidencies."

The plaintiff may sue there, at his election.

"CVIII. And be it further enacted, that every British subject of His Majesty, not in the service of his said Majesty, or of the said United Company, who, after the tenth day of April one thousand eight hundred and fourteen, shall go to, and reside in, any part of the British territories in India, distant more than ten miles from the presidency to which the same shall be subordinate, with the permission of the Government of such presidency, or who shall, after the said day, change his residence from one part thereof to another, distant as aforesaid, with such permission, shall procure from the chief secretary of the said Government or other officer authorized for that purpose, a certificate signed by the said chief secretary or other officer, expressing that such British

British subjects, allowed to reside more than ten miles from the presidency shall procure and register certificate of such permission in the court of the district.

" subject has the permission of such Government to
" reside at such place, specifying the same, and
" expressing also whether such permission has been
" granted during the pleasure of such Government
" or for any limited time; and the said certificate
" shall be deposited by such British subject in the
" civil court of the district in which he shall so go
" to reside, within one month after his taking up his
" residence there, and shall be kept among the
" records of the said court, of which certificate so
" deposited, a true copy attested by the judge or
" other officer of such court thereto authorized, shall
" be given to the party depositing the same, and
" shall be deemed and taken in all courts of justice,
" and on all occasions whatsoever, to be good and
" sufficient evidence of such certificate, unless the
" contrary shall be shown: and no British subject
" not in the service of His Majesty or of the said
" United Company, going to reside in any such part
" of the British territories, or changing his residence
" from one part thereof to another, after the said
" day, shall be allowed, while he so resides, to
" have or maintain any civil action or proceeding
" (other than in the nature of an appeal) against
" any person whomsoever in any court of civil
" jurisdiction within the British territories in India,
" until he shall have filed, in the court in which
" such action or proceeding is commenced, a copy
" of such certificate signed by the judge of the court
" wherein the same is deposited; or an affidavit
" accounting to the satisfaction of the court for not
" filing the same; and if it shall be proved to the
" court in which such action is brought, that such
" British subject is residing at any place within the
" said territories, distant more than ten miles from

And suing in any civil courts shall produce copy of such certificate, or an affidavit accounting for not filing it.

" the presidency to which it is subordinate, without " such certificate or otherwise than according to the " permission contained in such certificate, or that " such permission has been revoked, or that, being " for a limited time, it has expired and has not been " renewed, and that such British subject is therefore " residing without permission at more than ten miles " distance from such presidency, such British subject " shall thereupon be non-suited."

Natives of India in service of Company, subject to provincial courts.

" CIX. And whereas doubts have been enter- " tained whether persons being natives of India, in " the service of the United Company of Merchants " of England trading to the East Indies, or of any " of His Majesty's subjects, are amenable to the " jurisdiction of the provincial courts established in " the East Indies, or whether such persons, being " natives of India, in the service of the said United " Company, or of His Majesty's subjects, are not " exclusively amenable to the jurisdiction of the " said courts at Fort William, Madras and Bombay " respectively, and it is expedient that such doubts " should be removed; be it further enacted and " declared, that all persons whosoever, being natives " of India, who have been, now are, or hereafter " may be employed, by or in the service of His " Majesty, the said United Company, or of any of " His Majesty's subjects, were, and are, and shall " be subject and amenable to all provincial courts of " competent jurisdiction for all crimes and misde- " meanors, and in all actions and suits whatsoever, " of which such courts respectively could take cog- " nizance, if the persons having committed such " crimes or misdemeanors, or against whom the " causes of such actions or suits shall have arisen,

"had not been employed by, or had not been in "the service of His Majesty, or the said United "Company, or any of His Majesty's subjects; any "law, usage, or practice to the contrary thereof in "any ways notwithstanding: provided always, that "nothing herein contained shall any wise oust the "said supreme courts of judicature of Fort William "and Madras, and the said court of the recorder of "Bombay respectively, of any jurisdiction over any "natives of India, which such courts may now law-"fully exercise; but such supreme courts of judi-"cature of Fort William and Madras, and the said "court of the recorder of Bombay respectively, as "well as the provincial courts herein referred to, "according to their several jurisdictions, shall have "a concurrent jurisdiction over natives of India, "employed by or in the service of the said United "Company, or any of His Majesty's subjects."

Admiralty jurisdiction of King's courts extended.

"CX. And whereas the courts established by "the said United Company have no jurisdiction "over crimes maritime, and doubts have been enter-"tained whether the admiralty jurisdiction of His "Majesty's courts at Calcutta, Madras and Bom-"bay, extends to any persons but those who are "amenable to their ordinary jurisdiction; by rea-"son whereof failures of justice may arise; be it "therefore enacted, that it shall and may be lawful "for His Majesty's courts at Calcutta, Madras and "Bombay, exercising admiralty jurisdiction, to "take cognizance of all crimes perpetrated on the "high seas, by any person or persons whatsoever, "in as full and ample a manner as any other court "of admiralty jurisdiction established by His Ma-"jesty's authority in any colony or settlement

"whatsoever belonging to the crown of the said "United Kingdom."

Justices of the peace may qualify by taking the oaths in any court of justice within the provinces, 33 Geo. III, C. 52.

"CXII. And whereas great inconvenience has "arisen from requiring civil servants of the said "United Company, and other persons stationed at "a distance from the presidencies, to attend and "take the oaths in the courts of oyer and terminer "of the said presidencies, as prescribed by the said "Act of the Parliament of Great Britain of the "thirty-third year of His Majesty's reign; be it "therefore enacted, that all persons who shall be "nominated and appointed in any such commissions "of the peace as are in the said Act mentioned, "shall be capable of acting as justices of the peace "in every respect, according to the tenor of such "commissions, upon taking and subscribing in any "civil or criminal court of justice, within the pro-"vinces in and for which any such commission shall "have issued, before any other justice of the peace, "in the like oaths as are appointed by the said Act "to be taken in the court of oyer and terminer of "the province or presidency for which such persons "shall be appointed to act as justices of the peace; "and the subscription of such persons to the said "oaths shall be deposited and kept with the records "of the courts of justice in which the said oaths "shall have been administered."

Provincial courts of the highest jurisdiction, may arrest in civil or criminal process within the presidencies, notwithstanding the jurisdiction of King's courts.

"CXIII. And whereas it is expedient that the "sudder dewany adawlut, and nizamut adawlut, or "other provincial courts, however denominated, ex-"ercising the highest jurisdiction within the pro-"vinces respectively subject to the Governments of "Fort William, Fort St. George and Bombay,

"should have power and authority to execute process of arrest, either civil or criminal, within the towns of Calcutta and Madras, and the town and island of Bombay, notwithstanding the jurisdiction of His Majesty's courts established at those places respectively; be it therefore enacted, that it shall and may be lawful for the said court of sudder dewany and nizamut adawlut, or other provincial courts aforesaid, to execute, or cause to be executed upon all persons subject to the jurisdiction of such courts respectively, all manner of lawful process of arrest, within the respective limits of the towns of Calcutta and Madras, and of the town and island of Bombay, in the same manner as the said courts respectively may, by virtue of any power now vested, or hereafter to be vested in them, lawfully execute, or cause to be executed, such process in any place situate without the said limits; any Act, Charter, or other matter or thing whatsoever to the contrary notwithstanding: provided always, that all such process which shall be executed within the limits aforesaid, shall be in writing, and shall have under-written or endorsed thereon, or otherwise annexed thereto, a translation thereof, or of the substance thereof, in the english language and character, signed by one of the judges of the court from whence the same shall issue."

Process to be in writing, with an english translation, and signed by a judge.

A. D. 1820. REGULATION III.

A Regulation, to prohibit the storing of tobacco

within twenty miles of the limits of the Madras mettus, except by licensed venders.—Passed by the Governor in Council of Fort St. George, on the 25th August 1820.

Preamble.

THE clandestine introduction of tobacco into Madras from stores in the vicinity of the presidency, the outrages with which this species of smuggling has been attended, and the great loss of revenue which has in consequence been incurred, have rendered it necessary to regulate the mode in which tobacco shall be stored within a certain distance of the range of the Madras mettus: The following rules have therefore been passed by the Governor in Council, to take effect from the date of their promulgation.

Limits prescribed within which tobacco shall not be stored, except for local consumption.

II. First. No person shall be allowed to store or have in his possession a greater quantity of tobacco than five viss at any place in the zillah of Chingleput less than twenty miles beyond the limits of the Madras mettus, (as now or hereafter established), except the persons to be licensed by the collector of Chingleput under Section IV of this Regulation to vend tobacco to the inhabitants of the places where they reside, and of its vicinity.

Tobacco stored in breach of the foregoing rule liable to confiscation.

Second. All tobacco stored in the possession of individuals contrary to the foregoing rule, shall be liable to seizure and confiscation, in conformity with the ordinary rules for the seizure and confiscation of smuggled goods; except that from the proceeds of the sale of tobacco one half only of the amount of duty shall be deducted, previously to the division thereof under the said rules.

The rule not to be applied to tobacco in transit accompanied with a rowannah.

III. First. The foregoing rule shall not be construed to warrant the seizure of tobacco, whatever may be its quantity, which is not permanently stored, but is in transit through the tract specified in Section II of this Regulation, although the same be temporarily lodged in a house or other building for security; provided such tobacco be accompanied by a rowannah, and accord in quantity and kind with the specification of those particulars in the said rowannah.

Rowannahs for the protection of tobacco through the tract specified, how to be made out.

Second. The rowannahs which the collector of Chingleput shall grant for the transit of tobacco, through the tract lying within twenty miles of the range of the Madras mettus, shall specify the time during which they shall be in force.

Collector of Chingleput to license venders of tobacco for the supply of the tract specified.

IV. First. The collector of Chingleput is hereby authorized to grant to respectable individuals residing in the tract within twenty miles of the Madras mettus, licenses, according to a form to be prepared by him and approved by the board of revenue, authorizing the persons therein respectively named, to store and to vend tobacco for consumption at the places where they so reside, and in their immediate vicinity.

Venders engagements.

Second. Every person to whom such license shall be granted shall enter into an engagement, either in the cutcherry of the collector of the zillah of Chingleput, or in the cutcherry of the tahsildar of the talook, in a penal sum equal to ten times the value of the quantity of tobacco which he shall be allowed to store for sale, that he will not clandestinely introduce, nor connive at the clandestine introduction of

any part of such tobacco into Madrás; and that he shall forfeit not only all the tobacco so clandestinely introduced or attempted to be introduced into Madras, but also all the tobacco that may be found in his licensed store.

Penalty for breach of those engagements.

Third. Any person who, having obtained a license to store tobacco within the limits above described, shall be detected in clandestinely introducing, or conniving at the clandestine introduction of any part of the tobacco so stored into Madras, or of removing, or permitting to be removed, any part of such tobacco from the store, except for use and consumption at the place of storing, shall forfeit the penalty of his engagement; and shall moreover, be deprived of his license; and no other license to store tobacco shall thereafter be issued to him. The offender shall further be subject to such punishment as the existing laws shall prescribe for the offence of smuggling.

Penalty for clandestinely removing tobacco from the licensed stores.

V. On receipt of this Regulation, the collector of Chingleput shall be authorized to require from all persons having stores of tobacco within the limits specified in Section II of this Regulation, good and sufficient security that they will not clandestinely introduce, nor cause, nor permit the clandestine introduction of any part of the said tobacco into Madras; and in default of such security being given, the collector shall be at liberty to depute such officer of his establishment as he may think proper, to take an account of the quantity of tobacco so stored, and to have a joint custody thereof with the proprietor, until the said tobacco shall be removed under the collector's rowannah, and conveyed to one of the chokeys within the limits of the Madras mettus, or

On receipt of this Regulation, collector of Chingleput to take security from persons having stores of tobacco within the specified tract.

On failure of security, collector to have joint custody of such tobacco till it is duly disposed of.

elsewhere, for sale or consumption, after payment of the prescribed duties.

A. D. 1821. REGULATION I.

A REGULATION, for empowering the Governor in Council, by an order in council, to establish and abolish provincial and zillah courts, to extend and contract the jurisdiction of the same, and to alter the stations at which they are held, and the order of succession in the jail-deliveries of the several zillahs, in the territories which are or may be subject to this presidency.—Passed by the Governor in Council of Fort St. George, on the 23d of January 1821.

Preamble. As it is necessary, for the sake of public economy, for the convenience of the people, and for facilitating the distribution of justice, that, whenever it may be found expedient, the number of the provincial and zillah courts should be encreased or diminished: the stations of the several provincial and zillah courts should be changed: the jurisdiction of those courts should be contracted or extended; and the order of succession in the jail-deliveries should be altered or modified: and, as it will be convenient that the Governor in Council should be empowered to make these changes, whenever they may appear advisable, by an order in council: The following rules have been enacted, to be in force from the date of this Regulation.

II.* The Governor in Council is empowered, whenever he may deem it expedient, to establish or abolish provincial and zillah courts of judicature, to alter the stations of the provincial and zillah courts, to extend or contract the limits of the jurisdiction of those courts, and to change and modify the order of succession in the jail-deliveries of the several zillahs, in the territories which are or may be subject to this presidency, by an order in council under the signature of the chief secretary to government, without enacting a Regulation for that purpose.

Provincial and zillah courts may be established or abolished, their stations altered, their jurisdiction extended or limited and the order of the jail-deliveries changed, by an order in council.

III. All suits which may have arisen within such part of the local jurisdiction of any provincial or zillah court as may be changed or modified, in virtue of the power granted for that purpose in the foregoing Section, and which may then be depending, shall, with the documents relating thereto, be transferred to the court acquiring jurisdiction over the same.

Depending suits to be transferred to the new jurisdiction.

IV. Such parts of any Regulations now in force as may be contrary to this Regulation, are hereby rescinded.

All contrary provisions rescinded.

A. D. 1821. REGULATION II.

A REGULATION, for extending the jurisdiction of

* *Vide Clause second, Section* II, *Regulation* I, 1827, *and Section* III, *Regulation* VII, 1827.

the registers, sudder ameens and district moonsifs; and for the more effectual checking of abuses by district moonsifs.—Passed by the Governor in Council of Fort St. George, on the 13th April 1821.

Preamble.

WHEREAS the administration of justice in the provinces will be greatly facilitated by an extension of the jurisdiction of the registers, the sudder ameens and district moonsifs, in regard to the amount and value of property which may be adjudicated upon by them respectively; and whereas it is expedient to provide more effectually for the investigation of abuses which may be alleged to have been committed by district moonsifs: The Honorable the Governor in Council has enacted the following Regulation, to be in force from the date of its promulgation.

Jurisdiction of registers extended to one thousand rupees.

II. Clause first, Section VI, Regulation VII of 1809, is hereby rescinded; and the judges of zillah courts are hereby authorized to refer to their registers for trial and decision any suits or appeals filed in their respective courts, for malguzary land of which the annual produce shall not exceed one thousand madras rupees; or for lakeraj land, the annual produce of which shall not exceed one hundred madras rupees; or for other real property not of the description above specified; or for sums of money or other personal property, the amount or value of which shall not exceed one thousand madras rupees.

Jurisdiction of sudder ameens extended to seven hundred and fifty rupees.

III. The provisions of Section VII, Regulation VIII of 1816, are hereby extended to authorize the judges of zillahs to refer to the sudder ameens for trial and decision any suits filed in their respective

courts, for lands exempt from the payment of revenue, the annual produce of which shall not exceed seventy-five madras rupees; and for land subject to the payment of revenue in money or in kind, the annual produce of which shall not exceed seven hundred and fifty madras rupees; or for other real property not of the description above specified; or for sums of money or other personal property, the value or amount of which shall not exceed seven hundred and fifty madras rupees.

Jurisdiction of district moonsifs extended to five hundred rupees.

IV. The jurisdiction of district moonsifs as defined in Section XI, Regulation VI of 1816, is hereby extended, in regard to suits of the description specified in Clause second of that Section, to fifty madras rupees; and in regard to suits of the description specified in Clauses third, fourth and fifth of that Section, to five hundred madras rupees.

V. *Rescinded by Section* III, *Regulation* II, 1828.

Collectors to make preliminary enquiry into alleged abuses on the part of district moonsif;

VI. Whenever a collector, or a subordinate or assistant collector, shall receive information of any acts of extortion, undue exaction or other gross misconduct alleged to have been committed by a district moonsif, he shall make such inquiries as the nature of the case may suggest, for the purpose of ascertaining whether any grounds exist for a more full and formal investigation of the charge; and if he shall find such grounds to exist, he shall forward a statement of the case, together with the list of witnesses to the facts and circumstances thereof, to the zillah judge, in order that he may proceed in

and if grounds exist for the charge, they are to bring it to the notice of the zillah judge.

regard to the accused, in the mode prescribed by Section VII, Regulation VI of 1816.

A. D. 1821. REGULATION III.

A REGULATION, for determining the rate of duty on opium, exported or imported by land, to or from any of the foreign european settlements adjoining the territories subject to the presidency of Fort St. George.—Passed by the Governor in Council of Fort St. George, on the 15th of June 1821.

Preamble.

WHEREAS by the provisions of Regulation III of 1818, a duty is imposed on opium of a certain description, when the same shall by sea be exported to or imported from any port or place within the territories subject to the presidency of Fort St. George; and whereas it is expedient that a like duty should also be imposed and chargeable on all opium of the same description as that specified in the beforementioned Regulation, when the same shall by land be exported to or imported from any foreign european settlement adjoining the territories subject to this presidency: The Governor in Council of Fort St. George, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following rules, to be in force from the period of their promulgation.

II. All opium, with the exception specified in the following Section, shall on exportation or importation by land, to or from any of the foreign european settlements adjoining the territories subject to the presidency of Fort St. George, be subject to a duty at the rate of 40 rupees per viss.

A duty of 40 rupees a viss to be paid on opium, passing the frontier of foreign european settlements.

III. Opium exported to, or imported from any of the aforesaid settlements by land, and accompanied by a certificate specifying that it has been purchased at the Company's sales in Calcutta, shall be subject only to the rate of duty prescribed by the Regulations in force, to be levied on goods and merchandize passing to and from those settlements.

Exception in favor of opium, purchased at the Company's sales in Calcutta.

IV. Any opium exported or imported in breach of the rules and provisions of this Regulation, shall be forfeited, and the proceeds thereof disposed of under the general rules prescribed in Clause first, Section XX, Regulation I of 1812, for the division of the amount sales of all confiscated goods; and such opium shall and may be seized by the collector, or any of the officers of the custom house or customs, or by any of the officers of government.

Opium exported or imported in breach of this Regulation liable to seizure and confiscation.

A. D. 1821. REGULATION IV.

A REGULATION, for giving greater efficiency to the system of police established in the provinces subordinate to the presidency of Fort St. George.—Passed by the Governor in Council of Fort St. George, on the 15th June 1821.

Preamble.

WHEREAS it is expedient that ameens of police should have authority beyond the limits of the towns to which they are appointed: and whereas it is also expedient that the preliminary powers of investigation for the discovery of offences and the apprehension of offenders, which are now vested only in tahsildars or other head officers of district police, should be delegated to competent subordinate officers in different parts of each talook: and whereas the transmission of parties and witnesses, in all cases of petty theft and other petty offences from the place where the offence is charged to have been committed to a distance therefrom, in order to their being brought before the magistrate, is a cause of great inconvenience, loss and injury to the persons so sent; and there is reason to believe that in consequence of the dread of such inconvenience, the knowledge of offences committed is frequently concealed and suppressed, and the offenders escape punishment; and it is therefore expedient that the powers of the heads of district and village police should be extended: and whereas the recording of evidence in cases of petty offences and petty thefts is a duty of great labour and time without an equivalent benefit: and the too frequent administration of oaths where the matter under enquiry is of little moment, has a tendency to weaken the sanctity of oaths, and to encourage perjury: The Honorable the Governor in Council has enacted the following rules, to be in force from the date of their promulgation.

The authority of ameens of police may be extended beyond the limits of the towns to which they are appointed.

II. First. In modification of the provisions of Section XL, Regulation XI of 1816, it is hereby declared competent to magistrates to extend, at their discretion, the local limits of the jurisdiction of

ameens of police, to any distance they may see fit beyond the towns to which such ameens have been or may be appointed.

Ameens of police subject to the authority of tahsildars and liable to perform revenue duties.

Second. Ameens of police, and generally all subordinate officers of police of every description, shall be subject to the authority of the tahsildars of their several districts; and shall perform all such revenue duties as may be assigned to them by the collectors or the tahsildars under whom they serve.

Subordinate officers to be authorized to make inquiry of offences, arrest offenders, take inquests, &c.

III. First. Magistrates shall select such number of competent subordinate officers belonging to their district establishments as may appear to them necessary to perform in different parts of each talook the police duties assigned to tahsildars and other head officers of police by Sections XXVII, XXVIII, XXIX, XXXI, XXXII, XXXVI and XXXVII of Regulation XI of 1816; and all acts done in conformity with the provisions of the enactments here referred to by the persons so selected, shall be valid.

Subordinate officers to forward their proceedings to the heads of district police.

Second. The subordinate officers referred to in the foregoing Clause shall forward to the heads of police of their respective districts, all examinations, depositions and confessions that may be taken by them, together with the prisoners and witnesses in every case which they may investigate, in order that the said heads of police may transmit them to the magistrate or the criminal judge, in conformity with the existing Regulations.

Officers appointed under this Section not authorized to

Third. The persons who may be selected under the provisions of this Section shall not have authority

punish in any case.

to inflict punishment of any kind, nor to hear or determine complaints for petty offences, and they shall be subject to the authority of the tahsildars of their respective districts.

Heads of district police authorized to punish petty thefts not exceeding five rupees.

Punishment they may inflict.

IV. First. Heads of district police are hereby empowered to hear and determine cases of petty theft, not attended with aggravating circumstances, nor committed by persons of notoriously bad character; and on conviction of the accused, when the value of the property stolen shall not exceed five madras rupees, to inflict punishment, not exceeding six strokes with a rattan.

If greater punishment appear requisite a report of the case to be made to the magistrate,

who will issue his orders.

Second. Whenever a head of district police investigating under the authority vested in him by this Section, shall be of opinion that the punishment which he is empowered to inflict is not adequate to the offence committed, he shall report the case to the magistrate for his final orders; and the magistrate shall, at his discretion, either issue his orders in writing to the head of district police to inflict such punishment as the magistrate may deem sufficient, or he shall order the head of district police to forward the parties and witnesses to him for further investigation.

If no orders on the reference are given by the magistrate, the accused to be released, and the imprisonment deemed a sufficient punishment.

Third. Provided always, that if, at the expiration of thirty days from the date and day of despatch of any reference from a head of district police to a magistrate, under the provisions of the foregoing Clause, no answer or orders of the magistrate shall have been received by the head of district police, then the head of district police shall release the offenders, and the confinement which they have so

had shall be considered a sufficient punishment for the said offence, and they shall not be liable to be again tried for the same.

Fourth. Heads of district police shall report to the magistrates, in the mode prescribed by Clause second, Section XXXIII, Regulation XI of 1816, all punishments which they may inflict under the provisions of Clause first of this Section.

Heads of district police to report punishments inflicted by them under this Section.

V. First. The power granted to the tahsildars or other heads of district police by Section XXXIII, Regulation XI of 1816, of fining persons duly convicted before them of offences of a trivial nature, is hereby extended to the imposition of a fine not exceeding three madras rupees.

Heads of district police may fine to the extent of three rupees.

Second. In cases of injury to any complainant when the fine may have been levied, it shall be lawful for the head of district police to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury, as he may deem equitable: the remainder of such fine, if any, to be carried to the account of Government.

And may give the fine or part thereof as compensation to an injured party.

Third. Head officers of district police shall make immediate report to the magistrates of all cases in which they shall exercise the power of fining under this Section.

Immediate report of fines to be made by heads of district police to the magistrates.

VI. First. The powers granted to heads of villages, under Clause first, Section X, Regulation XI of 1816, to punish trivial offences, are hereby extended, under the rules and limitations therein specified, to the punishment of petty thefts not at-

Heads of villages authorized to punish petty thefts not exceeding one rupee.

tended with aggravating circumstances, nor committed by persons of notoriously bad character, and where the value of the property stolen does not exceed one madras rupee.

Such punishments to be reported to the head of district police.

Second. Heads of villages shall report to the head police officer of the district, all cases in which they shall have exercised the power of punishment granted to them by Clause first of this Section.

Rescission.

VII. First. Section XXXVII, Regulation IX of 1816, is hereby rescinded.

Magistrates relieved from taking written evidence in petty complaints.

Second. Magistrates shall not be required to take down in writing or to record, the examinations they may take in the investigation of complaints preferred before them under Sections XXXII and XXXIII of Regulation IX of 1816.

Magistrates not required to make return to the provincial courts of punishment to a limited extent.

VIII. Magistrates shall not be required to include in the calendar prescribed in the latter part of Section XL, Regulation IX of 1816, returns of any punishments adjudged by them under the provisions of Section XXXII of that Regulation, nor of such punishments, not exceeding ten days imprisonment or six strokes with a rattan, as they may adjudge under Section XXXIII of the before quoted Regulation.

A discretionary power granted to magistrates in regard to the administration of oaths in certain cases.

IX. Magistrates and their assistants shall be at liberty, in the examination of complaints for petty offences, and of complaints for petty thefts, to exercise their discretion whether to administer oaths to the prosecutors and witnesses, or to examine persons without their being sworn.

X. The same exemption from the necessity of recording depositions is hereby granted to tahsildars and other head police officers of districts in the examination of cases on which it is competent to them to pass decision.

Heads of district police not required to record evidence in certain cases.

A. D. 1821. REGULATION V.

A. REGULATION, for authorizing collectors to rent out the levy of the inland duties, in the districts under their management; for rescinding Regulation XIV of 1809; and for modifying some of the rules of Regulation I of 1812.—Passed by the Honorable the Governor in Council of Fort St. George, on the 29th June 1821.

Preamble.

WHEREAS the frauds committed in the levy of the land customs, and the consequent loss experienced in the realization of that branch of the revenue, render it desirable to revert to the practice which formerly obtained of renting out the collection of land duties in districts in which that system can be now introduced with advantage: and whereas it is expedient that Regulation XIV of 1809, which established a monopoly of salt-petre; and Section XVIII, Regulation I of 1812, which permitted the issue of muaffee rowannahs, should be rescinded: The Governor in Council has enacted the following rules, to be in force from the 12th day of July next ensuing.

The land customs may be rented out under the orders of the board of revenue.

II. Collectors are empowered to rent, under the orders of the board of revenue, the general inland duty, of which the levy is prescribed by Section III, Regulation I of 1812, in all the districts subject to the presidency of Fort St. George, in which it may be deemed expedient by the Governor in Council to introduce that system of management.

Rents may be inclusive or exclusive of frontier, and town consumption duties.

III. The rents shall be granted inclusive or exclusive of the duties collected on the frontiers of foreign european states, and of the duties levied under Regulation VI of 1812, as the board of revenue may determine.

Duties to be collected by the renter in conformity with the Regulations.

IV. The general inland duty and other duties when rented out, shall be collected by the renter in conformity with the provisions of the general Regulations for the levy of these duties; except in as far as the same may be modified by the present enactment.

Cowles and Muchilkas to be executed.

V. First. Cowles, approved by the board of revenue, shall be granted to renters of the customs; and muchilkas, being counterparts of the cowles, shall be executed by the renters and deposited in the office of the collectors.

Second and Third. *Rescinded by Section* II, *Regulation* VII, 1829.

Rescission of Regulation XIV of 1809.

VI. Regulation XIV, A. D. 1809, is rescinded; and the articles of salt-petre and gun-powder will be passed with the same rowannah as all other goods: the transit of the latter article, is however, to be subject to the restriction declared in Section XV, Regulation I of 1812.

VII. The rules of Section V, Regulation II of 1817, are hereby declared applicable to the transit of goods under rowannahs to be granted by renters of the customs under their seal and signature: blank rowannahs shall be issued to the renters by the proper officers of government, on payment being first made for the same by the said renters.

Renters to be furnished with blank rowannahs on payment for them.

VIII. First. When renters may seize goods for having passed the chokies without payment of duties, they shall immediately report the seizure to the collectors, who will proceed thereupon in the mode prescribed by Sections XIX and XX, Regulation I of 1812.

Goods seized by renters for evading duties to be reported to the collectors.

Second. The rights of the renter in regard to smuggled goods are declared to be, first, the receipt of the government customs due on such goods; and secondly, in the event of the goods being confiscated, or of double or treble duty being ordered to be levied, the receipt of such portion of the proceeds of sale, or of the surplus duty as would be granted to the informer under Section XX, Regulation I of 1812: the actual seizers, whether the officers of the renter or others, will receive, under the orders of the collector, the share allotted by the Regulation to officers making the seizure.

Renters entitled 1st, to the duty on all smuggled goods, 2dly to the informers share.

Seizers to be rewarded.

IX. In districts in which the customs are rented, the powers vested in magistrates by Section XXI, Regulation I of 1812, and declared in Section XLIV, Regulation IX of 1816, to be exercisable only by the criminal judges, shall be considered vested in the magistrates.

Powers of magistrates in districts where the customs are rented.

Renters servants to be punished like collector's servants for extortion and other abuses.

X. The provisions of Sections XXII, XXIII and XXIV, Regulation I of 1812, are hereby extended to the punishment of all persons employed by the renters of the customs, and to all persons unduly and unauthorizedly making collections in the name, and under the pretended authority of the renters.

XI. Section XVIII, Regulation I of 1812, is hereby rescinded.

A. D. 1821. REGULATION VI.

A REGULATION, for the better order and discipline of military bazars, and for the prevention of drunkenness among soldiers; and for rescinding Regulation VI of 1809, and Regulation III of 1810.—Passed by the Honorable the Governor in Council of Fort St. George, on the 28th August 1821.

Preamble.

WHEREAS it is the intention of the Governor in Council to establish a more extensive system of military bazars for procuring supplies for troops on march and in cantonments: and whereas the provisions of Regulation III of 1810 for furnishing the means of conveyance and supplies to detachments of troops and to travellers have proved oppressive to the native inhabitants of the provinces, and the other provisions of that Regulation are unnecessary: and whereas it is essential to the efficiency

of military bazars that the bazar-men, and the retainers and followers attached thereto, should be subject to the authority of officers in command and be liable to be tried by courts martial for breach of Regulations established by competent authority: and whereas it is necessary, for the better preserving of discipline in garrisons and cantonments, and over retainers and followers of the army, that commanding officers should be authorized to bring to trial by court-martial all persons subject to their authority, for assaults, affrays, petty thefts and other petty offences, and for that purpose that Regulation VI of 1809 should be rescinded: and whereas it is essential to the efficiency of the military bazars, and to the convenience of the persons amenable to military authority, that the commissariat officers or other officers in charge of general bazars, acting under the orders of commanding officers, should have authority, according to former usage, to assemble punchayets for the settlement of disputes to any amount, and that the officers in charge of bazars should have authority to hear and determine suits for petty debts, and further that military courts, to be assembled by officers in command, should have authority to try and determine actions of simple debt to a limited amount due by native officers, soldiers, artificers, retainers or followers of the army: and whereas, in consequence of the frequent commission of heinous crimes by european soldiers in a state of intoxication, it is necessary to place the manufacture and sale of spirituous and fermented liquors under further check and control: and whereas, under the provisions of the statute of the 53d Geo. III, Chap. 155, Clause 96, the Governor in Council of Fort St. George is vested with full power

and authority " to make all such laws and regula-
" tions and articles of war as he may think fit, for
" the order and discipline of all officers and soldiers,
" natives of the East Indies, or other places within
" the limits of the said Company's charter; and for
" the administration of justice by courts martial to
" be holden on such native officers and soldiers, and
" for the constitution and manner of proceeding of
" such courts martial, and for all other purposes
" relating to, or in any manner concerning, such
" native officers and soldiers, in as full and ample
" a manner as the said Governor in Council may
" make any other laws or regulations for the go-
" vernment of the natives of the territories subject
" to the presidency of Fort St. George.—Provided
" always that all such laws, regulations and arti-
" cles of war, whereby the rights, persons or pro-
" perty of any such native officers or soldiers may
" be affected, shall be made and promulgated in
" every respect in the same manner as other regu-
" lations affecting the rights, persons or property
" of natives or other individuals amenable to the
" provincial courts of the said presidency of Fort
" William in Bengal, are directed to be made by
" virtue of an Act passed in the thirty-seventh year
" of his Majesty's reign, intituled, *An Act for the*
" *better administration of justice at Calcutta, Mad-*
" *ras and Bombay, and for preventing British sub-*
" *jects from being concerned in loans to the native*
" *princes in India :*" The Governor in Council has
enacted the following rules, to be in force from the
date of their promulgation.

Rescission.

II. Regulation VI of 1809 and Regulation III
of 1810, are hereby rescinded.

III. First. The police authority and the maintenance of the peace within the limits of garrisons, cantonments and stations (including the military bazars attached thereto), plans of which shall with that view have been first sanctioned and confirmed by Government, and deposited at the cutcherry of the magistrate of the district in which they are respectively situated, may, by express authority from the Governor in Council, when the nature and extent of the population may be considered to render such an arrangement advisable, be vested in the officers commanding the troops at such places, who will in such case take the necessary measures, by means of the troops under their command, for preventing the commission of crimes within the limits of the said cantonments and military bazars, and for the discovery and apprehension of persons guilty of the same.

The police authority and the preservation of peace within garrisons and cantonments duly defined by Government may be vested in commanding officers.

Second. When from the nature and extent of the population it may not be considered advisable to vest police authority and the maintenance of the peace within the limits of any garrison, cantonment or station in the commanding officer, a space of ground shall be assigned for a military bazar, the limits of which shall be fixed by the Government, and the general superintendence of the police and maintenance of the peace within such limits only shall be vested in the officer commanding.

In other cases commanding officers will exercise police authority only within the military bazars.

IV. All persons serving with any part of the army, and receiving public pay drawn by any officer in charge of a public department appertaining to the army: all servants of officers and generally the servants and followers of all persons serving with the

Retainers of the army, camp followers, artificers, &c. to be tried by court martial for breach of good order and local regulations established by competent authority.

troops; and all retainers of the army, though not charged with any fixed or specific public duties, are hereby made liable to be tried by court martial for all breaches of general orders or local regulations established by competent authority for the maintenance of good order and discipline in the cantonment, garrison or other station where the troops to which they are attached may be serving, and if found guilty by such court, to be sentenced to receive such reasonable punishment as their offences may be deemed to deserve.

Retainers of the army may be tried by court martial for assaults and petty thefts.

V. All followers of the army and other persons of the description mentioned in the foregoing Section, are hereby made liable to be tried by court martial for affrays, assaults and other breaches of the peace not amounting to heinous offences, nor attended with aggravating circumstances; and likewise for petty thefts, that is to say thefts unattended with circumstances of violence and outrage, and where the value of the thing charged to be stolen does not exceed twenty madras rupees.

The jurisdiction of commanding officers not to extend to persons not retainers of the army, nor to the cognizance of heinous crimes.

VI. First. Nothing contained in the preceding rules shall be construed to authorize the commanding officers of cantonments or other military stations, to bring to trial before a court martial, any person who is not a retainer of the army of any of the descriptions mentioned in Section IV of this Regulation.

Second. *Rescinded by Section* II, *Regulation* IV, 1827.

The police of gene.

VII. The superintendence of the police and the

preservation of the peace within the limits of general military bazars and generally as regards all persons subject to martial law, are hereby vested in the commissariat officer, subject to the orders of the commanding officer of the station; and he shall accordingly have authority to take examination on oath when necessary, and to take cognizance of all persons resorting to, or attending the bazars, and to arrest suspicious persons and persons charged with any offence or breach of the peace, within the limits of military bazars; and generally all persons amenable to martial law, whether within those limits or elsewhere, and to commit such persons to custody, in order to their being dealt with according to the regulations or articles of war as the case may be. But the said superintendent of general bazar police shall have no authority in any case to inflict or order the infliction of punishment.

ral military bazars to be under the commissariat officer.

The superintendent of bazar police authorized to administer oaths and to take cognizance of all persons resorting to the general bazars.

And of all persons amenable to martial law.

But not authorized to punish.

VIII. First. Commissariat officers in charge of general military bazars, acting under the orders of the commanding officer, are authorized (according to former usage), on application being made to them by parties having disputes or differences to settle, and with the consent of the parties on both sides, to appoint a punchayet to hear and determine the matters in dispute, whatsoever may be the amount or value of the money or other property sought to be recovered. Each party shall nominate two members to the punchayet, and the commissariat officer shall nominate one additional member. On the appointment of the punchayet, the usual muchilkas shall be executed by the parties binding themselves to abide by the award of the punchayet: the muchilkas shall be filed in the office of the commissariat

Commissariat officers authorized to appoint punchayets for the settlement of disputes to any amount.

officer, to whom the proceedings and award of the punchayet shall be delivered when the decision has been passed, in order that the same may be registered and preserved in his office. The commissariat officer, on receiving the award, shall summon the parties before him, and, having declared the decision of the punchayet, shall deliver a copy to each party, endorsing thereon the date of delivery.

No appeal from the awards of punchayets except in cases of gross partiality.

Second. No appeal shall lie from decisions of punchayets under this Regulation, except in cases of gross partiality, when either may bring the matter by petition upon stampt paper of the prescribed rate according to the amount of the suit, before the judge of the zillah, who will proceed in the case conformably to the provisions of Section XI, Regulation V of 1816.

Members of punchayets may be prosecuted for corruption.

Third. Members of punchayets assembled under this Regulation shall be liable to prosecution in the zillah court, for corruption in the discharge of their trust, conformably to the provisions of Section XVIII, Regulation V of 1816.

Commissariat officers authorized to decide cases of debt not exceeding twenty rupees.

IX. The commissariat officers in-charge of bazars acting under the orders of commanding officers shall have authority, according to former usage, to investigate and decide complaints for petty debts not exceeding twenty rupees, which may be preferred to them against any bazarman or other retainer of the army of the descriptions mentioned in Section IV of this Regulation.

Execution of judgments by commissariat officer.

X. The awards of punchayets and the judgments of commissariat officers in charge of bazars passed

under this Regulation shall, on the application of the person in whose favor the award or judgment has been pronounced, be carried into execution by the commissariat officer, under the orders of the officer commanding the troops, who, on application made to him by the commissariat officer, shall immediately issue the necessary orders in writing to that effect.

Bazarmen and others attached to station or regimental bazars may be registered.

XI. First. In every general military bazar a register shall be kept, wherein all persons having houses, shops, or other buildings, or fixed places within the limits thereof, in which they carry on trade, or otherwise supply or serve the troops, may, with the approbation and consent of the commissariat officer in charge, have their names and occupations entered. A similar register shall be kept for bazarmen attached to a battalion.

Their own consent is necessary, and they may demand their discharge from the registry,

Second. No person shall be registered as attached to a station or regimental bazar without his consent, and any person so registered shall be entitled at any time to demand his discharge from the registry, provided that when any corps is on actual service or there is an immediate prospect of its being ordered to march, it shall be in the discretion of the commanding officer of such corps to withhold the discharge of any person attached to the bazar of that corps; but he shall withhold it so long only as the immediate exigency of the public service requires.

which commanding officers must grant, except when troops are on the eve of marching.

Bazarmen of every description residing in military bazars declared amenable to court martial for breach of good order and fair dealing.

Third. All bazarmen of every description residing in military bazars, the limits of which may have been fixed by the Government, for the purpose of supplying the troops and followers of the army, and all bazarmen attached to troops marching whether regis-

tered or not, shall be subject to all Regulations made by competent authority for the maintenance of good order and fair dealing in the bazar, and for the prompt and efficient execution of such services as belong to their respective occupations, and shall be liable to be tried by a native court martial for any breach thereof.

Exemption from corporal punishment in certain cases.

XII. First. Persons attached to bazars, who are above the condition of petty dealers, menial servants or workmen, and would suffer degradation and disgrace by the infliction of corporal punishment, shall not be liable to corporal punishment in the first instance for breach of local regulations; but shall be liable to a fine to the use of Government, which shall in no case exceed Madras rupees one hundred; and the said fine, if not paid forthwith, shall be levied by the commissariat officers in charge of the bazar, under the written order of the commanding officer, grounded on the sentence of the court martial, by seizure and public sale of such goods of the offender as may be found within the limits of the garrison, cantonment or bazar; and, if sufficient goods shall not be found within the limits, the offender may be arrested by a written order of the commanding officer and confined for one month, unless he sooner discharge the fine. Any person attached to a bazar, who shall be sentenced to a fine by a court martial for the breach of any local regulation and shall fail to discharge the same, shall be liable, in case of conviction for a second offence, to be sentenced to corporal punishment in the same manner as petty dealers, workmen or menial servants, or to be struck off the register of the station bazar, or bazar of the corps, as the case may require.

Levy of fines.

Imprisonment for non-payment of fines.

Punishment for second offence of persons exempt from corporal punishment for first offence.

Second. If any person deeming himself entitled to exemption under the preceding Section shall be sentenced to corporal punishment by a court martial, the commanding officer shall, upon appeal to him and proof given to his satisfaction that such person is entitled to the exemption, commute the punishment for a fine not exceeding madras rupees one hundred, which fine shall be levied in the same manner as if it had been originally imposed by the court martial.

Claim of exemption how to be preferred after sentence passed by court martial.

XIII. Whenever a court martial may deem it necessary to sentence prisoners convicted before them to be punished by imprisonment and hard labour, commanding officers shall forward the persons so sentenced to the criminal judge of the zillah, with an authenticated copy of the sentence of the court; and criminal judges are hereby directed to receive such convicts and to work them in conformity with such sentences.

Criminal judge authorized to receive persons sentenced by court martial to hard labour.

XIV to XVI. *Rescinded by Section* II, *Regulation* IV, 1827.

XVII. In all cases in which it may be necessary to execute any process of arrest, issuing from any civil or criminal court, within the limits of a garrison, cantonment, military station or military bazar, (the process of the supreme court only excepted), the officer charged with the execution thereof shall carry the said process to the commanding officer or senior officer in the garrison, cantonment or station, who shall immediately back the same with his signature, and use his utmost endeavours to cause the person or persons named in such process to be discovered; and, if within the limits of the garrison, and delivered to the

Process of arrest from the civil and criminal courts (except that of the supreme court) how to be executed in military cantonments, garrisons, &c.

Commanding officer to back the process, and use his utmost endeavours to cause the person against whom the writ has issued to be taken,

person charged with the writ.

cantonment, station or bazar, to be arrested and delivered, according to the exigency of the process, to the civil officer charged with the execution thereof. But nothing herein contained is to be construed to prevent the service by the civil officers, in the usual way, of summonses, subpœnas or other process of mere citation without arrest.

Military courts to be convened when necessary to try cases of simple debt due by persons amenable to martial law.

XVIII. First. Commanding officers of stations and of corps shall convene when necessary military courts to be composed of native officers with an european officer to superintend and record the proceedings, and such courts shall have authority to hear, try and determine all suits that may be brought before them for the recovery of any debt alleged to be due by any native officer, or soldier, or artificer, or any retainer of the army, or any person registered as attached to station or regimental bazars, or any servant of an officer, provided that the cause of action be for simple debt not exceeding two hundred madras rupees, and that the defendant was a person of one of the descriptions abovementioned at the time of the institution of the suit. But the courts authorized to be assembled under this Section shall not have power to try suits for damages, nor concerning disputes of caste, nor for divisions of family property, nor for the right or possession of land or other real property; but all such suits shall be referred to the civil tribunals to be tried under the general Regulations.

Limitation of their jurisdiction.

Power of military courts to enforce payment of sums decreed by them.

Second. It shall be competent to the courts convened under this Section, upon finding any debt due, to award execution thereof, and, on the application of the party in whose favor judgment has been

given, the amount due under the said judgment shall be levied by seizure and public sale of such of the debtor's goods as may be found within the limits of the garrison, cantonment or military bazar, under a written order of the commanding officer, grounded upon the judgment of the court, which shall be executed by the commissariat officer in charge of the bazar; and, if sufficient goods are not found within the limits, the debtor shall be arrested by a written order of the commanding officer, and imprisoned in some convenient place of confinement within the limits of the garrison, cantonment or military bazar, for a term not exceeding two months, at the discretion of the said court, unless the debt be sooner paid; and his goods, if found within the limits at any subsequent time, shall be liable to be seized under a written order as above provided, and sold in satisfaction of the debt.

Levy by distraint.

Imprisonment.

XIX. No suit of the description and within the amount specified in Clause first of the preceding Section, shall be received or filed in any of the civil courts against persons carrying on trade or supplying the troops in station or regimental bazars, unless it be averred in the plaint that the defendant, though resident or carrying on such trade or occupation within the military limits, is not registered, or that though registered, he has not within the space of three months preceding truly and *bonâ fide* exercised the occupation in respect of which he is registered within the said limits, or that the cause of action is not cognizable by a military court. In all cases where the averments abovementioned shall be made, the judge issuing the summons in the suit shall endorse upon it, as the case may be, "suit

Suits declared cognizable by military courts under this Regulation not to be entertained by the civil courts.

exceeding the amount cognizable by military court," or " suit not of the description cognizable by military court," or " defendant not registered," or " defendant not entitled to privilege of registry," and shall sign the endorsement. All process so endorsed shall, if the defendant be within the limits of the garrison, cantonment or military bazar, be delivered in the first instance to the commanding officer, who will direct the attendance of the party so summoned ; but if, at the trial, the plaintiff shall not prove, according to the purport of the endorsement, that the suit from its nature or amount is not cognizable by a military court, or that the defendant, though resident or carrying on such trade or occupation as abovementioned within the military limits, was not registered, or that though registered, he had not during the space of three months preceding truly and *bonâ fide* exercised the trade or occupation in respect of which he is registered within the limits, he shall be non-suited with costs.

Courts martial how to be convened.

XX. The courts martial and other military courts authorized to be holden by the provisions of this Regulation are to be convened by officers commanding stations, garrisons or detachments, as the case may be ; and, when single corps are employed in separate or detached situations, then by the officers commanding the corps so detached.

Where there is no commissariat officer, any other officer may be appointed by the commanding officer to perform the duties above described.

XXI. The duties and powers assigned by this Regulation to the commissariat officers in charge of military bazars, shall be executed, where no commissariat officer may be present, by such other officer as the commanding officer of the station may nominate to discharge them.

XXII. First. Nothing in this Regulation is to be construed to give any authority to commanding officers to dispossess proprietors of land or houses situated within the limits of military bazars.

Limitation of commanding officers power in regard to real property within military limits.

Second. Provided however, that when the ground allotted to bazars is the property of Government, and the occupation of individuals has been merely permissive, the commanding officer is empowered to make such Regulations as he may think fit, (subject to the approbation of the Governor in Council), respecting the tenure or occupation of houses, shops or other fixed places situated upon such ground as belongs to Government, which Regulations, after receiving the approbation of the Governor in Council, shall be published in station orders, with a translation in the language commonly used in the district, and shall not be of force until fourteen days after they shall have been so published within the limits of the station bazar.

Commanding officer to regulate, under the sanction of Government, the terms on which government land may be occupied by bazarmen.

XXIII and XXIV. *Rescinded by Section* II, *Regulation* IV, 1827.

A. D. 1822. REGULATION I.

A REGULATION, for the more exemplary punishment of robbery by open violence.

RESCINDED by A. D. 1825, *Regulation* I.

A. D. 1822. REGULATION II.

A REGULATION, to provide for the more effectual administration of criminal justice in certain cases: and to alter certain provisions of the Regulations now in force.—Passed by the Honorable the Governor in Council of Fort St. George, on the 2d April 1822.

Preamble.

THE provisions contained in Sections XIII, XIV and XVIII, Regulation X of 1816, which prescribe that the criminal judges shall cause to appear before the court of circuit all witnesses required by persons committed for trial, have been found to operate to the obstruction of public justice and to the injury of individuals, by the abuse on the part of prisoners of the privilege of summoning witnesses. It is therefore desirable that this privilege should be subjected to certain restrictions: it is also considered advisable, that provision should be made for authorizing magistrates to apprehend vagrants, suspicious persons, and persons without visible means of honest livelihood, and persons of notoriously bad character; and, under certain rules and restrictions, to commit them to the custody of the criminal judge; and that authority should be given, under certain rules and restrictions, to the criminal judges to require security from parties against whom there may be ground for strong presumption, though not full proof of a specific offence: it is farther deemed requisite for the ends of justice to modify and extend the provisions con-

ned in Regulation VI of 1811, for the punishment of persons convicted of forgery, or causing forgery; and to render the restriction contained in Section XXIX, Regulation IX of 1816, against prosecutions of witnesses and parties in the civil courts for perjury and subornation of perjury, unless the officers presiding in those courts shall be of opinion that there are grounds for such prosecutions, applicable to all charges of perjury or subornation of perjury against witnesses and prosecutors in the criminal courts. And it farther appears expedient to rescind such part of Section XX, Regulation XIII of 1816, as requires that petitions addressed to the criminal courts shall be written on stampt paper: The following rules have therefore been enacted, to be in force from the date of their promulgation.

Criminal judges to have a discretionary authority in regard to summoning witnesses on behalf of prisoners who have confessed.

II. First. Whenever a prisoner who may confess before the criminal judge the offence with which he is charged, or may confirm a former confession thereof, shall require witnesses to attend on his behalf before the court of circuit, it shall be discretionary with the criminal judge to cause the attendance of any such witnesses, or not, according as it may or may not appear, from the nature of the case, that it admits of palliatory evidence.

Criminal judges may limit the number of witnesses to be summoned on behalf of prisoners not confessing.

Second. In all other cases, when a prisoner may desire the attendance of more than two witnesses on his behalf, the criminal judge is hereby authorized to question the prisoner as to the facts which he wishes to establish by their testimony: whenever it may appear that the testimony required is irrelevant

to the prisoner's defence, the criminal judge shall not comply with the requisition of the prisoner; and when several distinct facts are required to be established, which may be material to the defence, the criminal judge shall have authority, if he see proper, to summon only two witnesses to each point.

Criminal judges to record their reasons for refusing to summon witnesses desired by prisoners.

Third. The criminal judge shall record on his proceedings the grounds on which he may exercise the discretion, vested in him by this Regulation, of refusing to summon a witness or witnesses on behalf of a prisoner to appear before the court of circuit;

The judges of circuit on perusal of the proceedings shall call for any further procurable evidence considered to be material to a prisoner's defence, and eventually postpone the trial.

the judge of circuit, on his arrival at the zillah station, shall peruse the proceedings held against any prisoner or prisoners who may have required the attendance of witnesses not summoned, and if it shall appear to him that procurable evidence, material to a prisoner's defence, has not been called, he shall require the attendance of the witness or witnesses, if it be probable that their attendance can be procured in time to admit of their evidence being taken before the close of the sessions; and should the attendance of such witness or witnesses not be procurable within that period, he shall postpone the trial until the ensuing sessions of jail delivery, and issue the necessary orders on the subject to the criminal judge.

Magistrates and heads of district police authorized to apprehend vagrants.

III. First. It shall be competent to the magistrate, and to the heads of district police acting under his orders, to apprehend, when it may seem proper, any vagrant, or suspicious person, or person without ostensible means of honest livelihood, or person of notoriously bad character; and the magistrate

Magistrates may

at his discretion shall either take security* for the appearance of such person, or issue his warrant for such person to be received and detained in the custody of the criminal judge.

commit vagrants, or take security from them.

Second.† It shall however be competent to the judge of circuit, at any sessions of jail delivery, after making such enquiry as he may deem satisfactory, to order the release of any person so confined, either with or without security for his future appearance and good behaviour.

Court of circuit may release persons so confined.

Third.‡ Persons so confined shall also be liable to be released at the discretion of the magistrate by whom they were committed.

Magistrate may release so confined.

IV. First.§ In all cases brought before a criminal judge, where adequate proof for conviction of a specific offence may not be adduced against a prisoner, but he shall appear to be under strong suspicion of any act of criminality, it shall be competent to the criminal judge to direct that such prisoner be detained in custody, until he shall give sufficient security for his future good behaviour and appearance when required.

Criminal may require from persons strongly suspected not convicted of criminal o[illegible]

Second.‖ Whenever a criminal judge may exercise the authori[illegible] in him by the foregoing Clause, he shall [illegible] report to the court of cir-

Criminal [illegible] report to [illegible] of circumstances [illegible]

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* *Vide Sections* VI [illegible] II, *Regulation* VI, 1827.

† *Vide Clause sec*[illegible] III, *Regulation* VI, 1827.

‡ *Vide Clause thi*[illegible] II, *Regulation* VI, 1827.

§ *Vide Clause firs*[illegible] I, *Regulation* VI, 1827.

‖ *Vide Clause se*[illegible] III, *Regulation* VI, 1827.

cise of the power given them above.

cuit at the ensuing sessions of jail delivery, specifying the names of persons confined by him on a requisition of security which they may have been unable to furnish, the circumstances of each case, with the proceedings held thereon, and the amount of security required.

circuit am- ...ndre-e ...ison- ...e the ...urity

Third.* The judge of circuit, after inspecting the proceedings and making any further enquiry deemed necessary, shall pass such order as may appear just and proper, either for the release of the prisoner on his moochilka, or for reducing the amount of security required, (if this appear excessive) or for the further detention of the prisoner.

...r of Re- ...I of 1811.

V. First. The provisions contained in Regulation VI of 1811, for the punishment of persons convicted of forgery, or procuring forgery, are hereby declared subject to the following modifications.

convicted of ...ged or pro- ..., be forged ...it coin to ...ced to *ta-* ...*to* receive ... and be ... for 14

Second. The judge of circuit before whom a prisoner may be convicted of having forged, or procured to be forged, any counterfeit coin in imitation of any of the gold, silver or copper coins of the British governments in India, or of any coin usually received as money in the British possessions in India, shall, provided he concur with the law officer in the conviction of the prisoner, sentence him to be publicly exposed in the mode commonly denominated *tasheer*, to receive thirty stripes with a rattan, and to be imprisoned in banishment from the district for the period of fourteen years; unless the judge of circuit, on consideration of all the circumstances of the

circuit ...ficient

* *Vide Clause second, Section* VIII, *Regulation* VI, 1827.

case, shall be of opinion that any part of the prescribed punishment is too severe, in which case he shall be authorized to mitigate the sentence to imprisonment, with or without *tasheer*, for any period not less than seven years.

grounds, pronounce a mitigated sentence.

Third. If in any instance the judge of circuit shall be of opinion that a further mitigation or remission of punishment is necessary, he shall, provided he concur in the conviction of the prisoner, pass sentence according to the preceding Clause, and refer the trial, with his sentiments at large, for the final sentence of the court of foujdarry adawlut, who shall have authority to mitigate the sentence at their discretion.

In certain cases the trial to be referred to the foujdarry adawlut.

VI. First. Any person who shall be convicted before a court of circuit, or the court of foujdarry adawlut, of paying or tendering in payment, counterfeited coin, knowing the same to be counterfeit, shall be sentenced to imprisonment for such period, not exceeding seven years, as the judge of circuit, or the court of foujdarry adawlut may deem adequate to the circumstances of the case; and shall also, in all instances of an aggravated nature, or of a repetition of the offence, after being once convicted and punished, be sentenced to public exposure by *tasheer*. In every instance of a repetition of the offence after a previous conviction and punishment, the judge of circuit shall further, at his discretion, sentence the offender to receive corporal punishment not exceeding thirty stripes with a rattan.

Persons convicted of uttering counterfeit coin to be sentenced to imprisonment for 7 years.

Punishment on a repetition of the offence.

Second. The provisions in the preceding Clause are declared applicable to persons convicted of clip-

The foregoing provisions declared applicable to cases

of clipping or defacing the coin.

ping, filing, drilling, defacing or debasing the gold or silver coin of the British government in India, or any coin usually received as money within the British possessions in India.

Persons convicted of having in their possession counterfeit coin punishable by fine.

VII. If any person subject to the jurisdiction of a zillah magistrate shall be convicted of having in his or her possession any counterfeited coin, and shall not shew good and sufficient cause for having such counterfeit coin in his or her possession, the person so convicted shall be sentenced by the magistrate to pay a fine equal to four times the nominal value of such counterfeit coin in his or her possession; one moiety of which fine shall, on receipt of it, be given to any informer or informers who may have given information of the offence, and established the truth of it. In the event of such fine not being paid, the person convicted shall be confined in the zillah jail for such period as the magistrate may direct, not exceeding six months.

Distribution of the fine.

Imprisonment if the fine be not paid.

The restriction regarding the commitment of persons for perjury before civil courts declared applicable to the same offence before criminal courts.

VIII. The restriction contained in Section XXIX, Regulation IX of 1816, against prosecutions of witnesses and parties in the civil courts for perjury and subornation of perjury, unless the officers presiding in those courts shall be of opinion that there are grounds for such prosecutions, is hereby extended to all charges of perjury or subornation of perjury, against witnesses and prosecutors in the criminal courts.

The criminal courts authorized to receive petitions on unstampt paper.

IX. In modification of the provisions contained in Section XX, Regulation XIII of 1816, it is hereby enacted, that petitions on unstampt paper shall be received by the criminal judges, the assis-

tants to the criminal judges, the courts of circuit, and the court of foujdarry adawlut.

A. D. 1822. REGULATION III.

A REGULATION, for extending the operation of Regulation VII of 1818.—Passed by the Honorable the Governor in Council of Fort St. George, on the 28th May 1822.

WHEREAS under the provisions of Regulation VII of 1818, no persons can be admitted to appeal, or to answer in appeal, as paupers, excepting such as have originally sued as pauper plaintiffs: and whereas cases have occurred in which parties in original suits, as well plaintiffs as defendants, have become paupers before the filing of a petition of appeal; and it is deemed just and proper to admit such persons to the benefit of the pauper regulation: and whereas it is proper that special appeals should be admitted in pauper cases under the general restrictions prescribed regarding such appeals: The Governor in Council has been pleased to enact the following Regulation, to be in force from the date of its promulgation. Preamble.

II. First. Plaintiffs in original suits who did not sue as paupers shall be admissible to appeal in formâ-pauperis from the judgments passed in such original suits. Original plaintiffs not paupers, admissible to appeal as paupers.

Original defendants admissible to appeal as paupers.

Second. Defendants in original suits shall be admissible to appeal in formâ pauperis from the judgments passed against them in such suits.

Such persons are to be so admitted in conformity with the general rules of the pauper regulation.

Third. The admission of persons to appeal, or defend in appeal, under the foregoing Clauses, shall be in conformity with the rules prescribed in Sections V and VI, Regulation VII of 1818, for persons desirous of being admitted to plead as paupers in original suits, and subject to the restrictions contained in Section X of that Regulation in respect to the admission of appeals from pauper plaintiffs.

The courts to satisfy themselves of the bonâ-fide poverty of persons applying to appeal under this Regulation.

Fourth. It shall be the duty of the court competent to admit the appeals in the cases above provided for, to satisfy themselves, in the event of objections being made by the other party to the admission of the applicant as a pauper, that the property of which the said applicant was possessed at the time when the original suit was instituted, has passed from his hands, or has otherwise been rendered unavailable to him, either by the operation of the judgment from which he is desirous of appealing, or of some other judgments, or generally of causes over which he had no control.

The rules of the pauper regulation, with the present modifications, declared applicable to special appeals.

III. The rules contained in Regulation VII of 1818, with the modifications thereof provided in this Regulation, are hereby declared to be applicable to the admission of special appeals.

A. D. 1822. REGULATION IV.

A REGULATION, declaring the true intent and meaning of Regulations XXV, XXVIII and XXX of 1802, so far as they relate to the rights of the actual cultivators of the soil.—Passed by the Honorable the Governor in Council of Fort St. George, on the 12th day of July 1822.

Preamble.

DOUBTS having occurred regarding the meaning and construction of the Regulations enacted for ensuring the prompt realization of the rents due and payable by the actual cultivators of the soil, either to the officers of government on the public account, or to zemindars or others entitled to receive the same by inheritance or purchase or in virtue of special grants issued by the ruling authority on terms of a permanent or temporary settlement of the land revenue; it has become necessary for Government to declare, that in passing those Regulations it had no intention of authorizing any infringement or limitation of any established rights, of any class of its subjects whatsoever, such rights being properly determinable by judicial investigation only: The Honorable the Governor in Council has therefore been pleased to pass the following Regulation.

Regulations XXV, XXVIII and XXX of 1802, declared not to define or infringe the rights of landholders or tenants.

II. It is hereby declared that the provisions of Regulations XXV, XXVIII and XXX of 1802, were not meant to define, limit, infringe or destroy, the actual rights of any description of landholders

er tenants; but merely to point out in what manner tenants might be proceeded against, in the event of their not paying the rents justly due from them; leaving them to recover their rights, if infringed, with full costs and damages, in the established courts of justice.

A. D. 1822. REGULATION V.

A REGULATION, for vesting in collectors authority to take primary cognizance in certain cases of suits cognizable summarily by the zillah courts under Regulations XXVIII and XXX of 1802, and otherwise modifying the provisions of those Regulations; for rescinding Regulation XXXII of 1802; and for vesting in collectors the summary cognizance of cases which under that enactment were cognizable by the zillah courts; and for authorizing collectors to refer all such suits to punchayets for decision; and for extending the provisions of Regulation XII of 1816.—Passed by the Honorable the Governor in Council of Fort St. George, on the 19th of July 1822.

Preamble.

WHEREAS the provisions of Regulations XXVIII and XXX of 1802, have been found insufficient for the due protection of the ryots, inasmuch as the powers they vest in landholders are prompt and summary, while efficient redress for the abuse of those powers must frequently be sought by the institution of a regular suit, to the expense of which

the means of ryots in general are inadequate; and it has been deemed expedient to vest collectors with authority to take primary cognizance of all cases which, under the provisions of those Regulations, are cognizable by summary suit in the courts of adawlut, provided the officers of government are not parties in the case, and to authorize the said collectors to enforce in the first instance the penalties prescribed by those Regulations, their decisions being subject to revision by the civil courts when parties may choose to have recourse thereto: and whereas the provisions of Regulation XXXII of 1802 do not afford a remedy sufficiently prompt in cases of sudden and violent disputes, respecting the occupancy, cultivation or irrigation of land; and it is expedient to rescind that Regulation, and to refer to the collectors of the revenue the summary enquiries which, under it, were conducted by the adawlut of the zillah; and whereas disputes as well regarding arrears of rent and rates of assessment, as regarding the occupancy and cultivation of land, may occasionally be adjusted by punchayets, to the relief of the ryots and the furtherance of the ends of justice; and it is deemed proper to enable collectors, with the consent of the parties, to refer all such cases to punchayets for decision, and to extend the provisions of Regulation XII of 1816: The Honorable the Governor in Council has therefore enacted the following rules, to be in force from the date of their promulgation.

II. First. Collectors are hereby authorized to take primary cognizance, by summary process, of all cases which, under the provisions of Regulations XXVIII and XXX of 1802, were summarily cog-

Collectors authorized to take primary cognizance of cases of the nature of those summarily cognizable by the zillah

courts under Regulations XXVIII and XXX of 1802.

nizable by the zillah courts, with the exception of the cases referred to in Sections XXXV and XL, Regulation XXVIII of 1802; and they shall have power to assess such damages, penalties and costs as may appear to them proper, but not exceeding in any case the amount limited in the particular provision of the Regulation under which each case was respectively cognizable in the zillah courts.

No damages or costs to be levied till the period for appeal has elapsed.

Second. Provided however, that no damages, penalties or costs which a collector may award under this Section, shall be levied until after the expiration of the period hereinafter limited, during which an appeal may be preferred against the said collector's decision.

Property attached for arrears not saleable unless pottahs have been exchanged or tendered.

III. First. No property attached under Regulation XXVIII of 1802, for the discharge of arrears of rent or revenue, shall be sold, unless pottahs shall have been granted, or tendered and refused; nor until previous notice shall have been given to the collector of the district, and leave shall have been obtained from him for the sale.

Penalty for breach of the foregoing rule.

Second. Where property may be sold contrary to this rule, the defaulter shall be discharged of the arrear for which such attachment has been made, the property attached shall be restored to him, or the value thereof made good by the distrainer, where it may have been damaged or injured, or may not be forthcoming; and distrainers shall further pay damages, not exceeding the loss sustained in consequence of such attachment, with costs of suit.

Notice of property

IV. First. When property may be attached for

arrears of rent or revenue under Regulation XXVIII of 1802, the distrainer shall without delay give notice thereof to the collector, either direct, or through the tahsildar, or the principal revenue officer of the district.

Seized for arrears to be immediately given to collectors.

Second. Property so distrained shall not be sold until the expiration of thirty days from the day on which the notice of attachment referred to in the preceding Clause was given; and until the expiration of that time, the defaulter shall be at liberty to appeal to the collector against the distraint of his property.

Appeal against distraint may be made within 30 days.

Third. If no appeal be made, the distrainer shall have authority, at the expiration of the thirty days after notice given as above provided, to cause the distrained property to be sold in conformity with the Regulations.

After thirty days, and no appeal, the property attached may be sold.

Fourth. If an appeal be made, the collector shall without delay institute a summary enquiry into the correctness of the demand for which the property has been attached; and if it shall appear that the amount claimed is justly due, he shall issue his order for the sale of the property to the district moonsif or other authorized person. If a sum less than the amount demanded shall appear on enquiry to be due, the collector shall order so much property only to be sold [illegible] may be sufficient to discharge the debt.

In case of appeal, collectors to hold a summary enquiry.

Fifth. [illegible] shall not have been given of proper[illegible] arrears of rent or revenue, as provid[illegible] this Section, within thirty

If notice of distr[illegible] be not given to the collector, the defaulter shall be dis-

charged of his arrear.

Further penalty.

days after the attachment, the defaulter shall be discharged from the arrear for which the distraint was made; and the distrainer shall be subject to the penalties prescribed in Clause second, Section III of this Regulation.

Periods of notice how to be reckoned.

V. The periods of the fifth and eighth day referred to in Section XXI, Regulation XXVIII of 1802, shall be calculated from the day on which the order of the collector for the sale may reach the village where the property is under attachment.

If a defaulter be about to abscond, the proprietor may apply to the district moonsiff or tahsildar.

VI. In the cases stated in Clause second, Section XXXIV, Regulation XXVIII of 1802, where there may be reason to apprehend the immediate elopement of the defaulter or his surety, the proprietor or farmer shall present the petition prescribed in that Section to the district moonsif or tahsildar, who shall proceed thereon as the native commissioner is directed to proceed by the said Clause.

Certain penalties when levied to be paid to the ryots on whom exactions have been made.

VII. Whenever the penalties for exactions referred to in Section VII, Regulation XXX of 1802 shall be levied, the amount of the exaction shall be returned to the ryot, together with such farther proportion of the penalty as may appear a reasonable compensation for the injury sustained; provided however, that such penalties shall be held in deposit during the period limited for appeal by Clause first, Section XVI of this Regulation.

Proprietors not to grant lands of ryots under Section X, Regulation XXX of 1802 without leave from the collector.

VIII. First. The lands of under-farmers or ryots shall not be granted to other persons by proprietors or farmers under the provisions of Section X, Regulation XXX of 1802, until such proprietors

or farmers shall have made application to the collector and obtained his leave for that purpose.

Second. If the collector on examination find the rates of the pottah tendered by the proprietor or farmer to be just and correct, the under-farmer or ryot shall be ejected under the collector's order, unless he assent to the terms; but if the rate shall exceed the just rate prescribed, an order shall be issued by the collector to the proprietor or farmer prohibiting the ejectment, and requiring the issue of a pottah within one month from the delivery of the order to him, under penalty for delay as provided in Section VIII, Regulation XXX of 1802.

If just rates have been offered by the proprietor, and refused, the collector shall sanction the ejection of the ryot; if otherwise, [illegible] tor how to p[illegible]

IX. Suits preferred in the zillah court for arrears of rent or revenue from under-farmers or ryots, or their sureties, where no pottah has been granted, shall be dismissed with costs, unless it shall be proved to the satisfaction of the judge that a pottah had been tendered and refused, or that both parties had agreed to dispense with the use of pottah and muchilka.

Suits for arrears to be rejected by courts unless the tender of a pottah or the mutual consent of parties be proved.

X. Regulation XXXII of 1802, is hereby rescinded.

Rescission.

XI. Whenever any persons who may lay claim to lands or crops in the possession of others, shall forcibly take possession of the disputed lands or crops, the party dispossessed shall be at liberty to bring the case before the collector of the district, who, upon proof of such forcible ejection, and of the actual previous possession by such ejected party, shall cause the disputed lands or crops to be restored

Persons forci[illegible] possessed o[illegible] lands or cr[illegible] bring their [illegible] before the co[illegible] and how he is [illegible] ceed thereon.

to the complainant, or the value of the crops to be paid to him if they shall be damaged, destroyed, or not forthcoming; and shall further award against the offender such costs and damages as may be equitable.

[illegible]ants of disputed [illegible]ds or crops [illegible]orce, and [illegible] death or [illegible]onal injury [illegible] to be for[illegible] to the cri[illegible]dge.

XII. First. Where claimants of disputed lands or crops, or other persons assisting such claimants, may, in taking, or attempting to take forcible possession of the disputed lands or crops, kill or wound, or violently beat any person, the collector shall take cognizance of such violent acts as magistrate, and shall proceed according to the Regulations and circumstances of the case, forwarding the offenders and all persons aiding or assisting them in the act, to the criminal judge, to be by him dealt with according to the provisions of the general Regulations.

Criminal judge may grant to the injured parties a portion of any fine levied.

Second. The criminal judge shall exercise his discretion in granting to parties injured by the violent acts of claimants of disputed lands, the whole or any part of the fine which they may levy from the aggressors under the preceding Clause.

If in the absence of the actual claimants, their agents or servants are guilty of such conduct, the same mode of procedure is to be observed.

XIII. Where the agents, servants or dependants or other persons in the employment of claimants of disputed lands or crops may take, or attempt to take possession thereof by force, and the actual claimant may not be present, the criminal judge shall proceed against the parties actually present in the manner herein directed, in the event of their having killed, wounded or violently beaten any person: where it may be proved, that the parties immediately concerned in taking or attempting to take

Where the parties acted by the orders or with the know[illegible]

possession of disputed lands or crops, acted by the orders, or with the knowledge or connivance of the actual claimants, such actual claimants shall also be proceeded against in the criminal court in the same manner as if they had been present.

ledge of their principals, the principals are to be proceeded against as if present.

XIV. Where claimants of disputed lands or crops may go armed with swords, sticks or other weapons, or give orders for, or connive at other persons going so armed, to take possession of such lands and crops; and where the party in possession of such lands or crops, or other person having claim thereto, may use violent and unjustifiable means of defence, beyond what is necessary to guard their own lives and persons, to prevent such claimants or armed persons, from taking possession of the lands or crops, or to dispossess them by force; and where in consequence of such unjustifiable means of defence having been used, affrays ensue, and people are killed, wounded or violently beaten, on either side, the criminal judge shall adjudge the lands and crops in dispute to be forfeited to Government, and both claimants and other persons concerned or assisting in the affray, shall be committed to prison or to bail, (according to the circumstances of the case), to take their trial before the criminal court.

Where disputed lands and crops shall be contended for by persons armed, and death or wound ensue on either side, such lands and crops shall be forfeited to Government, and both parties be liable to a criminal prosecution.

XV. First. The collector shall have authority to refer all disputes respecting arrears of rent or revenue, or respecting rates of assessment in money or kind, or of division in kind, as well as all questions of the right of occupancy or possession of lands or crops, which may be brought before him under this Regulation, to a district or village pun-

Disputes of the nature contemplated in this Regulation may be referred to punchayets.

chayet for decision; provided both parties agree to that mode of settlement.

Collectors may exercise the powers vested in village and district moonsifs by Regulations V and VII of 1816.

Second. The collector shall have authority in cases of disputes which may be brought before him under this Regulation, to exercise the powers vested in village and district moonsifs under Regulations V and VII of 1816.

Appeal from the collector's decisions under this Regulation lies to the zillah court if preferred in 30 days.

XVI. First. An appeal shall be open to the zillah judge by regular suit, from all decisions passed by the collector under this Regulation; provided the petition of appeal shall be presented to the zillah judge within thirty days from the date of the collector's decision.

Collector's decisions not to be set aside for informality.

Second. Decisions of the collectors are not to be set aside for want of form, or for irregularity in their proceedings, but on the merits only.

Collectors in certain cases may put one of the litigant parties in possession of disputed lands or crops.

XVII. When suits respecting disputed lands and crops may be referred to a punchayet, the collector, on the application of either party, shall have authority to put one party immediately in possession, and maintain him in it until a decision shall be given.

Section IV, Regulation XII of 1816 extended.

XVIII. The provisions of Section IV, Regulation XII of 1816, shall be extended to all disputes between ryot and ryot, respecting the occupying, cultivating and irrigating of lands in districts whether permanently settled or otherwise.

Who may be employed as vakeels for parties under this Regulation.

XIX. Plaintiffs and defendants shall be allowed to employ a relative, a servant, or a dependant, to

act in their behalf in suits which may be brought before the collectors of zillahs under this Regulation.

XX. Suits instituted before the collectors under this Regulation shall be exempt from all stamp duties and fees of every description, whether decided by themselves or under their orders by village or district punchayets.

Suits under this Regulation to be free from stamp duties.

XXI. Proceedings before collectors under this Regulation shall be summary, and summonses to parties and witnesses may be either verbal or in writing, at the discretion of the collector; it shall only be necessary for the collector to keep an abstract diary in the language of the district, in the following form.

Form of proceedings under this Regulation.

Names of Parties.	Abstract of Plaint.	Abstract of Decision.	Date of Delivery.

A. D. 1822. REGULATION VI.

A Regulation, for extending the powers of the criminal judges and of the courts of circuit in the trial of persons charged with breaking into houses and other places of habitation, or into warehouses or other places used for the custody of property, with an intent to steal; or charged with theft, or

with buying or receiving stolen property knowing the same to have been stolen; or charged with escape from jail or other place of confinement.—Passed by the Honorable the Governor in Council of Fort St. George, on the 19th of July 1822.

Preamble.

WHEREAS much of the time of the judges of circuit is occupied in investigating the offences of breaking into, or attempting to break into houses, tents or other places of habitation, or into warehouses or other places used for the custody of property, with an intent to steal; of receiving or buying stolen goods knowing the same to be stolen; and of some other offences which, from their character and from the circumstances attending their perpetration, do not very frequently demand severe punishment: and whereas the prosecutors and witnesses in such cases are exposed to great distress and inconvenience in being compelled to attend not only during the inquiry into such cases before the criminal judges, but subsequently during the trial before the court of circuit: and whereas the prisoners themselves in such cases are sometimes subjected to a prolonged detention in custody previously to their trial at the sessions: and whereas some of the inconveniences above noticed will be obviated, and the ends of criminal justice will be more promptly and effectually obtained, by investing the criminal judges and the courts of circuit with certain powers with regard to the trial and punishment of persons charged with, and convicted of, such offences: The following rules have been enacted, to be in force from the date of their promulgation.

Rules for the guid.

II. First. The criminal judges shall be guided

by the following rules whenever individuals may be apprehended and brought before them on a charge of having committed the offence of breaking into, or attempting to break into a dwelling house, tent or other place of habitation, by night or by day, with an intent to steal; (but without open violence such as to constitute the crime of robbery by open violence as defined in Clause first, Section III, Regulation XV of 1803), or with the offence of breaking into or attempting to break into any warehouse, storehouse or other building or place used for the custody or preservation of property, either by night or by day, with an intent to steal; (but without open violence), or of being present aiding and abetting in the commission of any of the offences above specified; or although not present, of having procured or caused the perpetration of any of those offences by hire, counsel or command; or of having in any manner confederated with the actual perpetrators of them in pursuance of a preconcerted plan.

ance of criminal judges on the trial of offenders charged with breaking into houses, &c. with intent to steal.

Second. If the perpetration of any of the offences enumerated in the preceding Clause, (not amounting to the crime of robbery by open violence) shall be accompanied with wounding, burning, corporal injury, or other aggravating act of personal violence; or if the prisoners, or any of the prisoners concerned in the offences described in the preceding Clause, shall appear to have been before convicted of burglary, robbery or other heinous crime; or if the prisoners or any of them shall appear to be persons of notoriously bad character; or shall be charged with having committed the offence while employed in the office of watchmen, guards or police officers; or if property be stolen of which the value or amount shall exceed

If such offences be attended with acts of violence and certain other circumstances of aggravation, the criminal judge to commit the offenders to the court of circuit.

the sum of one hundred madras rupees; in all such cases it shall be the duty of the criminal judge to commit the whole of the prisoners who may appear from the evidence adduced to have been concerned in the offence, to take their trial before the court of circuit at the ensuing session.

Punishment to be awarded by courts of circuit on such offenders when convicted.

Third.* In cases of conviction before the court of circuit of individuals charged with any of the offences above specified, if the act be accompanied with an attempt to commit murder, whether by wounding, burning, strangling, drowning, throwing into a well, or by any other means, or be accompanied with wounding, burning or corporal injury to any person or persons in such degree as to endanger life, the judge of circuit shall refer the trial to the court of foujdarry adawlut, and the offender or offenders who may be convicted to the satisfaction of that court of having been concerned as principals or accomplices in the crime, shall be liable to the same punishment as is prescribed by Section III, Regulation I of 1822, for robbery by open violence. If the judge of circuit be of opinion that there are grounds for a mitigation of the prescribed punishment, he shall state the same for the consideration of the foujdarry adawlut.

Sentence to be passed by the court of circuit when the offences specified in Clause second may not have been accompanied with an attempt to commit murder, or with wounding or other

Fourth. In cases of conviction before the courts of circuit of any offences specified in the Clause second of this Section, wherein the house-breaking and theft, or attempt to commit the same may not have been accompanied with an attempt to commit murder, nor with wounding, burning, or other cor-

* *Vide Clause second, Section* II, *Regulation* I, 1825.

poral injury in such degree as to endanger life, but may have been attended with wounding or other corporal injury in a less degree; the judge of circuit, provided he concur in the conviction of the offender, shall, without reference to the foujdarry adawlut, adjudge him to suffer such punishment as may appear adequate to the offence, not exceeding thirty-nine stripes with the rattan and imprisonment for fourteen years in banishment from the district where the prisoner may have resided.

corporal injury endangering life.

Fifth. Nothing in the above Clause shall be construed to empower the courts of circuit to pass and order execution of a sentence of conviction and punishment without reference to the foujdarry adawlut in any case of robbery by open violence, as defined in Clause first, Section III, Regulation XV of 1803; or to authorize an enhancement of the penalties declared by the Regulations in force for burglary or theft when not accompanied with wounding or other corporal injury, nor with an attempt to commit murder by strangling or other means, as described in Clause third of this Section.

Explanation of the preceding Clause as not extending to robbery by open violence,

nor meant to authorize an enhancement of the existing penalties for burglary or theft, when not accompanied with the specified acts of aggravation.

Sixth. If from the investigation held by the criminal judge in the cases described in Clause first of this Section, there shall appear reason to believe that any prisoner apprehended and brought before him has been guilty of the offence charged against him, but that such offence has not been attended with any of the circumstances of aggravation specified in Clause second of this Section, the criminal judge shall, in addition to the evidence which may be adduced on the part of the prosecution, take the defence of the prisoner, and the evidence of the

Criminal judges empowered to take cognizance of the offence of breaking into houses, &c. if unattended with the aggravating circumstances noticed in Clause second.

witnesses who may be designated by the prisoner in support of his or her defence; and after a full and deliberate investigation, shall proceed, without reference to the court of circuit, to pass sentence of acquittal or conviction: if the prisoner be convicted, the criminal judge is hereby empowered to sentence him to imprisonment with hard labor for a period not exceeding two years, and to corporal punishment not exceeding thirty stripes of the rattan.

Punishment which the criminal judges may inflict.

Rules for extending the powers of criminal judges in the punishment of persons convicted of theft, and defining cases cognizable respectively by criminal judges and courts of circuit.

III. First. Under the existing Regulations, the criminal judges are empowered to sentence prisoners convicted before them of theft, to imprisonment for a period not exceeding six months, with corporal punishment not exceeding thirty rattans; and in cases demanding a more severe punishment, they are required to commit the prisoners for trial before the court of circuit: The following rules are now enacted for extending the powers of the criminal judges in the punishment of prisoners convicted of theft, and for defining the cases which are to be cognizable respectively by the criminal judges, and by the courts of circuit.

In what cases of theft offenders must be committed for trial before the court of circuit.

Second.* In all cases of theft, whether in a house, warehouse or other place, or from the person of another (not coming within the provisions of the Regulations in force for the punishment of robbery by open violence, or the provisions of Clause first, Section II of this Regulation), if the theft or the attempt to commit the same shall have been accompanied with an attempt to commit murder, or with wounding, burning, severe corporal injury, or other

* *Vide Clause second, Section* II, *and Section* IX, *Regulation* I, 1825.

aggravating act of personal violence, it shall be the duty of the criminal judge to commit the whole of the prisoners who may appear from the evidence adduced to have been concerned either as principals or accomplices in the offence, to take their trial before the court of circuit at the ensuing session: the criminal judge shall also commit for trial before the court of circuit any prisoners charged with theft (although not attended with the aggravating circumstances abovementioned), who from their notoriously bad character, or from their having been before convicted of a heinous offence, or from any other peculiar circumstances of the case, may appear to him deserving of a severer punishment than the criminal judge is authorized to inflict under the following Clauses of this Section: such persons, if convicted on trial before the court of circuit, will be liable to the penalties prescribed in Clauses third and fourth, Section II of this Regulation, for the offences therein specified.

Criminal judges may commit prisoners accused of theft for trial before the court of circuit although not charged with using personal violence.

Penalties to which such persons are liable on conviction before the court of circuit.

Third. With exception to the cases mentioned in the preceding Clause, the criminal judges shall hear and determine, without reference to the courts of circuit, all other cases of theft which may be brought before them; and after having duly considered the evidence which may be adduced on the part of the prosecution and of the prisoner, shall pass sentence of acquittal or conviction.

Criminal judges to try and decide in all other cases of theft.

Fourth.* In cases of theft cognizable by the criminal judges under the foregoing Clause, if the amount or value of the property stolen shall ex-

Punishment to which the prisoners are declared liable in cases of theft cognizable by criminal judges

* *Vide Section* III, *Regulation* VI, 1827.

if attended with aggravating circumstances.

ceed fifty madras rupees; or if the persons committing the theft, shall have been before convicted of theft burglary, robbery or other heinous offence; or if the prisoner shall have committed the offence while employed in the office of watchman, guard or police officer; or be a servant of the person from whom the property may have been stolen, or a servant employed in the house in which the theft may have been committed; as well as in all cases of *cattle-stealing, the criminal judge shall be empowered, on proof of the guilt of the prisoner, to sentence him to imprisonment with hard labor for such period as may appear proper, not exceeding two years, and to corporal punishment not exceeding thirty stripes with a rattan.

Criminal judges to pass sentence on the prisoners in other cases of theft.

Fifth. In other cases of theft not included in the foregoing provisions, the criminal judges shall pass sentence on the prisoners under the powers vested in them by Section VII, Regulation X of 1816.

Rules for the guidance of criminal judges in investigating charges against receivers and buyers of stolen property.

IV. First. The criminal judges shall be guided by the following rules in the investigation of charges preferred against individuals for the offence of receiving or buying stolen goods, cattle, jewels, money, or effects of whatever description, knowing the same to have been stolen.

Purchasers or receivers of stolen property obtained under aggravating circumstances to be tried before the court of circuit.

Second. All prisoners who may appear to the criminal judge from the investigation held by him, to be guilty of having purchased or received plundered or stolen property of any description, knowing at the time of purchasing or receiving the same that

* *Vide Section* III, *Regulation* VI, 1827.

such property had been obtained in the perpetration of robbery by open violence, or of theft accompanied with any of the aggravating circumstances described in the Clause second, Section II, or Clause second, Section III of this Regulation, shall be committed by the criminal judge to take their trial before the court of circuit; and such persons if convicted thereof, shall be sentenced by the judge of circuit, according to the circumstances of the case, to such period of imprisonment as may appear proper, in no instance however, exceeding fourteen years, and to corporal punishment not exceeding thirty-nine stripes of the rattan.

Punishment on conviction.

Third. The criminal judge shall also commit for trial before the court of circuit, any prisoner charged with the offence of buying or receiving stolen property of whatever description, knowing at the time that such property had been stolen, although the property may not have been obtained in the perpetration of theft accompanied by any of the aggravating circumstances described in Clause second, Section II, and Clause second, Section III of this Regulation, if the prisoner shall have been before convicted of the offence of buying or receiving stolen property, or of robbery, burglary, theft, or other heinous crime, or shall appear to be an habitual and professional receiver of stolen property, or a person of notoriously bad character; and such person shall, upon being duly convicted before the court of circuit, be liable to such punishment, within the limitations prescribed in the preceding Clause of this Section, as the court of circuit may judge proper to direct on a consideration of all the circumstances of the case.

Notorious offenders and common receivers of stolen property obtained without violence shall be also tried before the court of circuit.

Criminal judges empowered to hear and decide all other cases in which prisoners may be charged with buying or receiving stolen property.

Fourth. With exception to the cases abovementioned, the criminal judges shall hear and determine, without reference to the courts of circuit, all other cases in which individuals may be charged with the offence of buying or receiving stolen property of whatever description, knowing it at the time to have been stolen; or with the offence of having in their possession property obtained by theft or robbery, and knowing at a period of time subsequently to its first coming into their possession, that such property had been so obtained, notwithstanding which they may have kept the stolen property in their possession without restoring it to the owner or giving information to the local police officer or magistrate; in such cases the criminal judge, after having duly considered the evidence in support of the prosecution, the defence of the prisoners and the evidence of the witnesses designated by the prisoners, shall proceed to pass sentence of conviction or acquittal: if the prisoners be convicted, the criminal judge is hereby empowered to sentence them to imprisonment with hard labor for a period not exceeding in any case two years, and to corporal punishment not exceeding thirty stripes of the rattan.

Criminal judges how to proceed in such cases.

Receivers may be tried and punished although the actual thief or robber may not have been convicted.

Fifth. It is hereby explained that persons charged with the offences specified in the preceding Clauses of this Section, may be brought to trial and sentenced to punishment, although the actual perpetrators of the theft or robbery may not have been convicted; provided however, that the fact of the theft or robbery having been committed be established, and it be proved that the purchaser or receiver knew that the property in question had been obtained by theft or robbery.

Proviso.

V. First. Clause first, Section IX, Regulation XV of 1803, is hereby rescinded.

Rescission.

Second. The cases of convicts or of prisoners ordered to be confined till they give security for good behaviour, who may effect their escape while under sentence or order of imprisonment from a jail or other place of confinement, or from the custody of their guards, shall be cognizable by the criminal judge; and upon conviction, the criminal judge shall be empowered to sentence the offenders to corporal punishment, not exceeding thirty stripes with a rattan, and (if sentenced to a limited period of imprisonment), to suffer such further period of imprisonment beyond the unexpired term of their original sentence, as he may judge proper; provided however, that such additional imprisonment shall in no case exceed the period of two years. If the prisoner be in confinement under an order to find security for good behaviour, he may be sentenced to imprisonment for a specific term, not exceeding two years.

Convicts or prisoners confined for security, effecting their escape, to be tried by the criminal judge.

Punishment on conviction.

Proviso.

Third. The cases of prisoners apprehended and detained in custody under examination on charges of a criminal nature, but not admitted to bail, who may effect their escape from a jail or other place of confinement, or from the custody of their guards, shall also be cognizable by the criminal judges; and such prisoners being duly convicted of the offence in question, shall be liable to a sentence of imprisonment in no case exceeding six months.

Prisoners escaping from confinement while under examination to be tried and sentenced by the criminal judge.

Fourth. The rules contained in the two preceding Clauses shall not, however, be considered applicable

The foregoing rules declared inapplicable to convicts, who

in escaping from confinement may be guilty of acts of serious personal violence.

to the cases of convicts or other prisoners who, in effecting their escape, or in attempting to effect their escape, shall be guilty of such a degree of violence towards their guards or other individuals, as may in its consequences involve the wounding or severe personal injury of any person or persons. In all cases of that nature, it shall be the duty of the criminal judge to commit the offender to take his trial before the court of circuit.

Criminal judges how to proceed in such cases.

Criminal judges to submit separate lists to the courts of circuit of all persons sentenced by them to a longer imprisonment than six months.

VI. In addition to the calendars of persons apprehended and discharged, or punished, which the criminal judges are now required to submit to the court of circuit at the period of the sessions, it shall be the duty of the criminal judges to furnish a separate list of all persons who may have been sentenced by them under the provisions of this Regulation to a longer period of imprisonment than six months, shewing the names of the prisoners, the crimes with which they may have been charged, and the sentences passed upon them; and it is hereby declared that the powers vested in the courts of circuit and in the foujdarry adawlut, with regard to the revision of sentences and orders passed by the criminal judges, shall be considered applicable to all sentences and orders passed by the criminal judges under this Regulation.

The foujdarry adawlut and courts of circuit empowered to revise all such sentences and orders passed by the criminal judges.

A. D. 1822. REGULATION VII.

A Regulation, for rescinding Regulation I of 1809

and Regulation V of 1811; and for declaring that the appointment and removal of the native public servants of Government shall be regulated by such orders as the Governor in Council may from time to time see fit to issue.—Passed by the Honorable the Governor in Council of Fort St. George, on the 12th day of July 1822.

THE rules now in force relative to the appointment and removal of native servants in the several public departments under the Government having been found inconvenient in practice, as tending to impose unnecessary restraints in the removal of servants who have appeared unworthy of confidence; it has been deemed proper to rescind Regulation I of 1809 and Regulation V of 1811, and to leave it to the Governor in Council from time to time to issue such orders as to him may seem proper for the guidance of the heads of public offices, relative to the appointment and removal of the servants of the several departments: The following rules have therefore been enacted, to be in force from the date of their promulgation. Preamble.

II. Regulation I of 1809, Regulation V of 1811, Section II, Regulation XII of 1802, Section III, Regulation XIII of 1802, Section IV, Regulation III of 1808, such part of Section III, Regulation XXIII of 1802 as regards the appointment and dismissal of the keepers of revenue records, and such part of Section XXXVI, Regulation II of 1803 as relates to the appointment and dismissal of native public servants, are hereby rescinded. Rescissions.

III. First. The appointment and removal of the The appointment

and removal of public servants declared to be subject to such rules as the Governor in Council may from time to time issue.

ministerial officers of the courts of judicature, and of the native public servants in the revenue, commercial and other public departments under the Government, shall be subject to such rules and orders as the Governor in Council in his discretion may from time to time see fit to issue.

The appointment and removal of law officers, to remain as now, with the sudder adawlut.

Second. Provided however, that the court of sudder adawlut shall continue, as at present, empowered to confirm the appointment, removal and resignation of the law officers of the provincial and zillah courts.

A. D. 1822. REGULATION VIII.

A Regulation, to rescind Regulations III of 1809, II of 1810 and VI of 1818; and to make provision for the investigation of the conduct of the public officers of government, european or native, when necessary, in the way which in each particular case may be deemed most convenient.—Passed by the Honorable the Governor in Council of Fort St. George, on the 6th December 1822.

Preamble.

Whereas the rules of Regulations III of 1809 and II of 1810, prescribing a particular course of inquiry on charges, or information of corruption, embezzlement, or other high misdemeanor against the european public officers employed in the several civil departments under the Government, have been found to be inconvenient in practice and otherwise objec-

tionable: The Governor in Council has resolved to rescind those Regulations, and also Regulation VI of 1818, supplementary to the beforementioned Regulations, and to enact the following rules, to be in force from the date of their promulgation.

II. Regulations III of 1809, II of 1810 and VI of 1818, are hereby rescinded.

Rescissions.

III. Whenever it shall appear to the Governor in Council to be necessary that an investigation should be made into the conduct of any officer of the Government, european or native, relative to any alleged or supposed corruption, embezzlement, breach of trust or other gross malversation, or high misdemeanor or violation of public duty, the Governor in Council will determine by what persons and in what way such investigation shall be made and conducted, on consideration of the particular circumstances of every such case.

When investigation into the conduct of the servants of Government is required, the Governor in Council will determine the mode of investigation.

IV. Whenever the Governor in Council shall deem fit to appoint one or more commissioners to investigate any such case, the person or persons entrusted with the inquiry, shall have the same power to summon witnesses and to administer oaths, as are possessed by the courts of adawlut under the general Regulations; and the same penalties shall be attached to the refusal to attend or to give evidence as witnesses, and to the crime of perjury before such commissioner or commissioners, as before the several courts of adawlut.

Commissioners of inquiry to have power to summon witnesses and administer oaths.

A. D. 1822. REGULATION IX.*

A REGULATION, for empowering collectors to take primary cognizance of cases of malversation in revenue affairs; for prescribing the rules to be observed in such investigations, and in the recovery of money embezzled or corruptly received by public servants and others amenable to the collectors jurisdiction; for providing for the admission and trial of appeals from the summary decisions of collectors in such cases; for declaring the powers of criminal judges and courts of circuit in the punishment of the offences specified in this Regulation; and for rescinding Regulation XXXIII of 1802.—Passed by the Honorable the Governor in Council of Fort St. George, on the 20th December 1822.

Preamble.

WHEREAS it is necesary to the security of the revenues of Government and to the welfare of the people, that collectors should be empowered to make summary inquiry and decision in cases in which it may come to their knowledge that the public servants under their superintendence, or the officers of the village establishments, or any other persons in their behalf, or on any assumed or pretended authority, have embezzled the public money or made unauthorized collections, or received bribes, or extorted money or other valuable consideration, and that

* *Vide Regulation* VII, 1828.

collectors should have power to enforce the judgments they may pass in such cases: and whereas the trial of appeals from such judgments cannot always be made with the necessary expedition, nor without public inconvenience by the regular courts, and it is therefore expedient to provide that in certain cases, commissioners may be appointed to try such appeals: and whereas it is necessary to declare the powers to be exercised by criminal judges and courts of circuit in the punishment of the offences of bribery and corruption and the other offences specified in this Regulation: and whereas the provisions of Regulation XXXIII of 1802 have been found inefficient for the purpose for which they were intended, and it is therefore deemed proper to rescind that Regulation: The Honorable the Governor in Council has therefore enacted the following rules, to be in force from the date of their promulgation.

II. First. Collectors* of the land revenue are hereby authorized to take primary cognizance of all cases, in which persons of any of the several descriptions hereinafter specified shall be accused, or suspected of having wilfully committed, or allowed to be committed, any of the acts of malversation particularized in Clause second of this Section; and on proof of the guilt of the accused or suspected persons, to inflict on them such punishments as by this Regulation the said collectors are authorized to adjudge.

Collectors authorized to take primary cognizance of cases of malversation in revenue affairs.

Second. The several classes of the offences cog- Specification of the

* *Vide Sections* III *and* IV, *Regulation* VII, 1828.

offences cognizable under this Regulation.

nizable by collectors under this Regulation, are declared to be as follows, viz.

Exacting or corruptly receiving money, &c. for the performance of official acts.

1st. Exacting or corruptly receiving either directly or through the means or agency of any other person, any money or other valuable consideration, for doing or procuring to be done any public or official act for which no such payment or gift could be lawfully demanded or received; or for the purpose, or under pretence of obtaining or securing some undue gain, benefit or advantage, to the giver of such money or other valuable consideration.

Levying extra collections.

2d. Levying extra and unauthorized cesses or extra collections of any kind not sanctioned by the Regulations, nor by the orders of Government, and intended for the private and personal use and profit of the persons levying or causing the same to be levied.

Embezzling public money.

3d. Embezzling or fraudulently misappropriating the public money.

Making false entries in the public accounts.

4th. Making false or fraudulent entries in the public accounts or other records, either in regard to the receipt or expenditure of public money in any of the departments under the collector's superintendence, or concerning the extent, value, classification or assessment of land.

Falsifying, destroying, or concealing public accounts.

5th. Knowingly and wilfully falsifying, destroying, or concealing public accounts or vouchers or documents of any kind immediately relating to the receipt or expenditure of the public money.

Descriptions of persons subject to the collector's authority under this Regulation.

Third. The classes or descriptions of persons in regard to whom the collectors shall have authority to exercise the powers of summary investigation, decision and punishment, granted to them by this Regulation, are declared to be as follows, viz.

1st. All the native servants of the collector's public establishments.

2d. All head inhabitants, curnums, and their gomastahs or persons doing the duty for them, and all other village officers and servants within their respective collectorates.

3d. All persons not on the public establishment, whether being in the private service of a collector, sub-collector or assistant to a collector, and pretending to act under his or their authority, or whether assuming the character of public officers, or acting or pretending to act under the authority or on the behalf of revenue servants or village officers, who shall in any away interfere in the collection or disbursement of the public money, or who shall demand or receive money as public revenue, or as for revenue purposes, or shall exact or receive money or other valuable consideration under pretence of procuring some public act to be done or some undue advantage to be given by public officers to the persons from whom such money or other valuable consideration shall have been taken.

Collectors empowered to summon witnesses and to require the production of documentary evidence.

III. First. Collectors shall have power to summon before them as witnesses, all persons whose evidence may appear necessary to the due investigation of the cases referred to in this Regulation, as well for as against the accused or suspected persons, and to require the production of ducumentary evidence. The summonses to be issued by collectors for this purpose shall bear their official seal and signature, and shall specify the time and place of the witnesses attendance, and if reference to documentary evidence be required, the summonses shall contain a requisition to the witnesses in whose

possession they may be, to bring such documents along with them.

Collectors how to proceed if witnesses shall not attend, or refuse to give evidence.

Second. If any person, after being duly summoned, shall not attend at the time and place appointed, or having attended and taken the oath required shall refuse to give evidence, the collector, if it be proved to his satisfaction that the evidence of the person not attending or refusing to give evidence is material to the case, shall communicate the same by means of the government pleader, to the judge of the zillah to the jurisdiction of which such person may be amenable; and the judge is hereby directed and required to proceed against such person not attending or refusing to give evidence in the same manner as if he had not attended or had refused to give evidence in the zillah court.

Witnesses residing in other zillahs to be examined by the judge of the zillah in which they reside.

Third. If any witness whose evidence is required by a collector shall reside out of the jurisdiction of the zillah to which the collector is amenable, the collector shall transmit written interrogatories to the judge of the zillah in whose jurisdiction the witness may reside, who shall procure the written answers of the witness to such interrogatories, in the manner prescribed by Section VII, Regulation III of 1802, and shall return the same to the collector; whenever a witness may be examined on interrogatories in conformity with the foregoing rule, whether on behalf of the Government or of the accused, the opposite party shall have the right of transmitting cross interrogatories at the same time, and the answers of the witness thereto shall be taken and returned in like manner.

Cross interrogatories may at the same time be put.

IV. The investigations which collectors are authorized to make under this Regulation shall be summary. Witnesses shall be examined on oath in the mode most binding on their consciences, or if persons of rank or caste that exempts them from taking an ordinary oath, then on a solemn declaration in the form prescribed by the Regulations in such cases. All documents produced in evidence shall be endorsed by the collector with his signature or initials, and marked with the date of their production; a summary of the defence shall be recorded, and the decision of the collector, with a brief statement of the grounds on which it is formed, shall be entered on the proceedings.

Investigations under this Regulation to be summary.

Rules of procedure.

V. First. When persons of any of the descriptions mentioned in Clause third, Section II of this Regulation, shall be convicted before a collector, on an inquiry conducted under this Regulation, of any of the offences of the 1st, 2d or 3d class specified in Clause second of that Section, the collector shall have authority to sentence them to pay any sum not exceeding twice the amount of the money ascertained to have been extorted, unduly received, embezzled or misappropriated.

Sentence which collectors may pass on persons convicted of the offences of the 1st, 2d or 3d class specified in Clause second, Section II of this Regulation.

Second. After a judgment has been passed by a collector for the payment of money under the foregoing Clause, the person against whom such judgment has passed shall be kept in custody until that judgment shall have been satisfied, first, in the collector's cutcherry, and afterwards, if necessary, in the zillah jail as hereinafter provided.

Convicted persons to be kept in custody until the judgment has been satisfied.

Third. The judgments of collectors for the re-

The judgments of

collectors how to be executed.

covery of money under the preceding Clause shall be executed in the same manner as decrees of the courts of adawlut by a warrant under the official seal and signature of the collector which shall specify the name of the person, against whom the judgment has passed, the date of the judgment on the collector's proceedings, and the amount to be levied. In the execution of this warrant, the property of the defaulter shall be seized wherever, or in whose possession soever it may be found. If property, which there is good reason to believe belongs to the defaulter, be claimed by any other person, the same shall nevertheless be attached by the officer charged with the execution of the warrant. If the property so attached be moveable, it shall be brought before the collector, or if not moveable, a full report thereof shall be made to the collector who will hold a summary inquiry on the claim preferred, or refer such inquiry to a punchayet. If the property be proved to belong *bonâ fide* to the defaulter, a particular account of its nature and value shall be entered on the collector's proceedings, after which he shall order it to be sold in like manner as the rest of the property attached under the warrant of execution.

Persons convicted of the offences of the 4th or 5th class specified in Clause second, Section II of this Regulation, how punishable.

Fourth. When any of the beforementioned persons shall be convicted of any of the offences of the 4th and 5th class specified in Clause second, Section II of this Regulation, the collector shall impose such fine not exceeding 500 arcot rupees, as may appear reasonable, and in default of payment of such fine, he shall further sentence the offender to imprisonment for a period not exceeding 12 months, or until the said fine shall have been paid.

In what cases collectors shall make demand in writing, of a specific amount as due by a public servant and further procedure in such cases.

VI. In cases where no examination of witnesses may be necessary, as where money actually delivered in charge to a public servant has been embezzled or is not forthcoming when called for, and the amount embezzled has been clearly ascertained by reference to the public accounts of the cutcherry, collectors shall make in writing a demand of the specific amount due by such public servant, and on his refusing or neglecting to satisfy the demand, shall proceed to recover the amount by distraint and sale of the defaulter's property, and if necessary, by imprisonment of the defaulter's person, in the same manner as for the recovery of arrears of revenue.

In what cases collectors may call on suspected or accused persons to give security for the fulfilment of the judgment that may be eventually passed.

VII. Whenever a collector shall be about to institute an inquiry under this Regulation, if he shall have good reason to believe that the accused or suspected person has concealed or collusively transferred, or is about to conceal or collusively transfer his property for the purpose of evading such order or judgment as may eventually be passed after such inquiry, the collector is hereby authorized to call on such person to give security to such amount as he may consider sufficient to provide for the fulfilment of the judgment that may be eventually passed; and in default of good and sufficient security being given as required, he shall be authorized to attach the property of the accused or suspected person, and to hold the same in attachment until judgment shall have been passed in the said inquiry. The warrant of attachment to be issued in such cases shall follow the property of the accused or suspected person wherever, or in whose possession soever it may be found; in the event of property seized under this Section being claimed by any other person, the

And if such security be not given, collector how to proceed.

collector shall proceed as directed in like cases in Clause third, Section V of this Regulation.

In what cases a collector may issue proclamation requiring property of defaulters to be surrendered to him.

VIII. In all cases where an accused or suspected person has refused or neglected to deposit security according to the collector's requisition as provided in Section VII, and in all cases where a judgment has passed under the provisions of Clause first, Section V of this Regulation, as well as where a defaulter has failed to satisfy the public demand against him made under the provisions of Section VI of this Regulation, it shall be competent to a collector to issue a proclamation, requiring all persons holding property belonging to the defaulter to surrender the same to him within a specified period, not being less than fifteen days; after the publication of such proclamation, and after the expiration of such specified period, any person who may be convicted before the criminal judge, (who is hereby empowered to take cognizance of such cases,) of having fraudulently concealed or collusively received such property, shall be sentenced by him to pay a fine not exceeding three times the amount of the value of the property so fraudulently concealed or collusively received by such person, and to be imprisoned until such fine be paid; the criminal judge shall levy the amount of the fine by the usual process, and in the event of the full amount of the fine not being realized, shall commit the offender to confinement in the zillah jail; provided however, that the period of confinement under this Section shall in no case exceed twelve calendar months.

Persons convicted before the criminal judge of concealing such property, how to be punished.

In what cases collectors may issue search-warrants for

IX. If information on oath shall be given before a collector, that revenue papers or accounts, or

papers and accounts respecting frauds or embezzlements in the public revenue have been fraudulently concealed and deposited in any particular premises, he shall be competent to issue warrants under his own official seal and signature addressed to one or more public officers of his establishment, commanding search to be made on the premises for the discovery of such papers or accounts; search-warrants thus issued, shall be executed between sun-rise and sun-set only; and where practicable, in the presence of two or more respectable inhabitants of the village in which the house or place authorized to be searched may be situated; a full and perfect list of all papers and other things whatsoever seized in virtue of such warrants, shall be made out in duplicate on the spot, both copies shall be signed by the officer executing the warrant and by the inhabitants or witnesses present, one copy of such list shall be given to the occupier of the house, or some person on his behalf, and the other shall be annexed to the warrant when returned to the collector. Provided however, that nothing contained in these rules shall be construed to authorize any but females to enter the *zenana* or apartments of the women, in houses belonging to those classes whose women do not ordinarily appear in public.

the discovery of papers or accounts.

Search-warrants how to be executed.

X. Whenever it may be necessary to sell property in satisfaction of an order or judgment of the collector under the provisions of this Regulation, the sale shall be conducted by the tahsildar or other public servant to whom the collector may delegate that duty, and the rules of Sections XXI, XXII, XXV, XXVI and XXVII of Regulation XXVIII of 1802, as far as they relate to the notification,

Property how to be sold in satisfaction of orders and judgments of collectors under this Regulation.

publicity and fairness of such sales, shall be adhered to by the officer conducting the sale, who, if he shall neglect to observe those rules as far as they apply, and shall knowingly permit any unfair dealing either in the appraisement or sale of such property, shall be liable to be fined by the collector in such amount as may suffice to make good the loss sustained in consequence of the unfair practices which he may have so permitted, and in default of payment of such fine, shall be committed to the zillah jail by the collector for a period not exceeding one year, or until such fine shall have been paid.

XI. *Rescinded by Clause first, Section* II, *Regulation* III, 1823.

Collectors may pay to persons from whom money has been unjustly received, the whole or part of sums recovered.

XII. A discretionary authority shall be vested in collectors, subject to the approval and sanction of the board of revenue, to pay to persons from whom money has been exacted or unjustly received, the whole or such part of the sum recovered under the provisions of this Regulation as may appear proper on consideration of the circumstances of the case; provided moreover, that such persons shall be entitled in all cases to receive back, whatever they may have so given to a public servant of Government, if they shall inform the collector, subordinate collector or assistant, of such exaction or undue receipt of money, within two months after its payment or delivery by the said informants.

Persons who shall report exaction of money within two months to be repaid in all cases.

Persons against whom an inquiry is going on under this Regulation may be kept under restraint.

XIII. First. Collectors are authorized to keep under restraint any persons against whom they may have instituted an inquiry under the provisions of this Regulation, either by placing peons over the

dwelling house of any such persons, to prevent their escape, or, if necessary, by confinement in the cutcherry; and if judgment be given against such persons, then to continue the restraint until the amount adjudged has been paid by them, or the amount realized by sale of the property attached in satisfaction of the order or judgment.

In what cases defaulters or culpable persons may be committed to the zillah jail.

Second. In the event of no property of a person, against whom an order or judgment has been passed under this Regulation, being forthcoming, or not sufficient to pay the amount due by him, the collector shall forward the defaulter or offender to the zillah court, and shall at the same time furnish the government vakeel of the said court with instructions to present a motion to the judge for his confinement until the amount due, which shall be distinctly stated in the said motion, shall have been discharged, or until the collector shall again move the court for his release. The zillah judge shall receive such motion whether in or out of court, and shall order the confinement of the party accordingly, and the judge shall not discharge him from confinement, except on his paying the full amount mentioned in the collector's motion, or on application from the collector.

XIV. *Rescinded by Section* V, *Regulation* VII, 1828.

XV. First. *Rescinded by Section* V, *Regulation* VII, 1828.

Powers of commission appointed under this Regulation.

Second. A commission appointed under this Regulation shall be vested generally with the same powers as zillah courts under the Regulations in force

so far as such powers are necessary to the full and efficient discharge of the duties to be executed. The proceedings of commission are to be governed by the rules and maxims of justice, and in all points not expressly provided for in this Regulation, the provisions contained in the general Regulations are to be observed as far as they may be consistent and applicable.

Commission how to proceed.

Third. The commission shall call for and examine the proceedings and evidence recorded by the collector on the summary inquiry which preceded, and on a full consideration of the whole of the evidence, shall decide whether the judgment or order passed by the collector and appealed from, was just and equitable, or if otherwise, in what particulars it was erroneous; and shall order the repayment, with reasonable interest, of any sum which had been adjudged by the collector to be due and payable, but which the commission shall find not to have been so due; and if any property had been sold in satisfaction of such order or judgment of the collector, the commission, in revising the order or judgment, shall determine the amount of compensation to be paid on account of such property so sold; and shall further have authority to adjudge such reasonable costs and charges as may appear sufficient to compensate the complainant for any loss or injury sustained, or for unjust detention of the complainant, or for actual charges or expenses incurred.

How judgment to be given.

Commission to forward their proceedings to the Governor in Council.

Fourth. When the proceedings shall have been closed, or as soon afterwards as circumstances will admit, the commission shall forward the whole of the proceedings and evidence, with the final judgment on the case, to the Governor in Council.

Fifth. The decisions of commissions under this Regulation shall be final; but it shall rest with the Governor in Council to determine, in the case of compensation being awarded under the foregoing Clause, whether the amount shall be paid from the public treasury, or whether, (as in cases where the proceedings of the collector on the primary inquiry shall appear to have been unfair and unjustifiable, or where he may appear to have been culpably negligent, in regard to the mode of disposing of the complainant's property,) the whole or any part of such compensation shall be made good by the collector who conducted the primary inquiry and the proceedings, in execution of the summary judgment.

The decisions of commissions final. Governor in Council to determine how compensation, when awarded, shall be paid.

Sixth. If the petition of appeal from a summary judgment of a collector passed under this Regulation be presented before the property which may have been attached has been sold, such property, or any part that may still be unsold, shall be held in attachment pending the appeal; and where the property attached may be sufficient for the security of the amount adjudged by the collector on the primary inquiry, or where the party appealing may give good and sufficient security for the ultimate fulfilment of the collector's judgment, he shall be released from confinement, pending the investigation by the commission.

In what cases property attached shall be held in attachment pending the appeal. If the party appealing give good security, he shall be released from confinement, pending the investigation in appeal.

Seventh. If the decree of the commission confirm the judgment of the collector, the decree shall be executed in like manner as the decree of a court of adawlut; and if the amount finally adjudged be not paid, the appellant and his sureties where he may have given the security of others, shall be committed

Decree of the commission how to be executed.

to the zillah jail, by an order of the commissioner or commissioners, bearing his or their signature, and specifying the amount to be levied; and such order shall be a sufficient warrant to the zillah judge to receive such persons into the zillah jail, and to keep them there until the amount decreed against them be fully paid; or until the collector, under the orders of the board of revenue or of government, apply for their release.

Suits grounded on proceedings of a collector under this Regulation not to be received by courts of adawlut, unless the party complaining have been referred there by endorsement from the Governor in Council.

XVI. No suit grounded on the summary proceedings of a collector under this Regulation, either in the form of an original complaint against such collector on account of any supposed injustice in conducting such proceedings, or of an appeal from his judgment, shall be received by any court of adawlut, unless the plaint or petition is accompanied by the order referred to in Clause second, Section XIV of this Regulation, remitting the party complaining to seek his redress in the courts of adawlut.

Criminal judges may punish persons for the offences enumerated in Clause third, Section II of this Regulation.

XVII. First. Criminal judges are hereby authorized to take cognizance of such cases as collectors may bring before them, where any of the persons mentioned in Clause third of Section II of this Regulation may be accused of having committed any of the offences enumerated in Clause second of the same Section; and on conviction, to sentence such persons to imprisonment, in no case exceeding one year.

Criminal judges may punish persons for giving bribes to any public revenue officer or servant.

Second. Criminal judges are likewise authorized to take cognizance of all cases where any person shall be charged with having given a bribe to any

public officer, or servant on the collector's establishment, or any head inhabitant or other village officer; and on conviction, to sentence such person to pay a fine not exceeding twice the amount of the bribe proved to have been paid, and in default of payment, to suffer imprisonment for a period not exceeding one year, or until the fine be paid.

In cases of an aggravated nature, criminal judges shall commit the parties for trial before the court of circuit.

XVIII. First. In cases of an aggravated nature brought before a criminal judge under the foregoing Section, if he shall be of opinion that the sentence which he is authorized to inflict is not adequate to the punishment of the offence, he shall commit the parties to take their trial before the court of circuit.

Courts of circuit authorized to punish for the offences enumerated in Clause second, Section II of this Regulation.

Second. The court of circuit are hereby authorized, on the conviction of any persons brought before them of any of the offences enumerated in Clause second of Section II of this Regulation, to sentence the offenders to imprisonment for a period not less than one year, nor exceeding five years, and with or without hard labour as, in consideration of all the circumstances of the case, may seem proper.

XIX. Regulation XXXIII of 1802, is hereby rescinded.

A. D. 1823. REGULATION I.

A Regulation, prescribing the course of proceed-

ing to be observed in regard to suits instituted in the courts of adawlut against the public officers of government.—Passed by the Honorable the Governor in Council of Fort St. George, on the 3d January 1823.

Preamble.

WHEREAS the rules which were prescribed in Sections II and III of Regulation III of 1809 (now rescinded,) relative to the transmission to the Governor in Council of all petitions of complaint filed in the courts of adawlut against the public officers of government for acts done in their official capacity, previously to the officer complained against being called upon for his answer, were found to be productive of much inconvenience and delay; and it is deemed expedient that a course of proceeding should be prescribed for future observance that may be free from the same objections: The Honorable the Governor in Council has been pleased to enact the following rules, to be in force from the date of their promulgation.

Plaints against public officers to be received and filed as other plaints.

II. First. Whenever a petition of complaint may be preferred to any court of civil judicature against a collector or other public officer amenable thereto, for acts connected with his official duties, the judge or judges of such court shall receive and file the petition of complaint in the same manner as all other such petitions are received and filed, and shall issue the usual summons thereon.

Public officers, against whom suits have been instituted may apply for reasonable time to refer to their official

Second. If the public officer, on receiving the summons, shall consider the case to be of such a nature as that he may either recommend to the Governor in Council to grant the redress sought by

the petition, or request permission to defend the suit at the public expense, he shall immediately instruct the government vakeel to appear for him, and to move the court to grant him such specific time, to put in his answer to the petition, as may be necessary to enable him to make the requisite reference to the board of revenue, board of trade, or other official superior at the presidency, and to receive orders thereon.

superiors before answering the plaint.

III. The judges of the several courts are hereby authorized and directed to grant such reasonable time, for the purposes specified in the foregoing Section, to public officers against whom petitions of complaint may have been filed in their respective courts; and, when necessary, to extend the period so granted, on application being made to them by motion in the usual way.

Courts authorized to grant such time, and to enlarge it on application.

IV. First. In the event of the redress sought for by the plaint being granted under orders from the superior authority, in consequence of a reference made under Clause second, Section II of this Regulation, the court in which the suit may have been filed, shall certify the amount of costs incurred by the plaintiff in the institution of his suit, and shall dismiss the cause from the file on payment being made of such costs, or on the plaintiff's filing a razeenamah in the usual form.

In what cases such suits may be struck off the file.

Second. Provided however, that the plaintiff shall not be entitled to receive the costs referred to in the foregoing Clause, if he shall fail to prove to the satisfaction of the court, on being called upon so to do, that before instituting the suit, he applied to the

The costs incurred in the institution of the suit not to be paid to plaintiff, unless he shews that he has before duly applied for redress and been refused.

public officer for the redress which by his plaint he has sought to obtain, and that his application was rejected.

A. D. 1823. REGULATION II.

A REGULATION, for authorizing a special appeal from the decrees of registers and sudder ameens; and for modifying the provisions of Section XIV, Regulation VIII of 1816.—Passed by the Honorable the Governor in Council of Fort St. George, on the 3d June 1823.

Preamble.

WHEREAS the Regulations now in force make no provision for the admission of a second or special appeal from the decrees which registers and sudder ameens may pass in cases of appeal referred to them by the judges of the zillah court; and it is found necessary for the ends of justice, that such special appeals should be admissible: and whereas the rule contained in Section XIV, Regulation VIII of 1816, relative to the issue of process in causes depending before sudder ameens, is inapplicable to the cases of those sudder ameens who are the law officers of provincial courts stationed at places where no zillah courts is established, and it is necessary to provide for the due execution of process in such cases: The Honorable the Governor in Council has been pleased to enact the following Regulation, to be in force from the date of its promulgation

II. A second or special appeal shall be admissible by the judge of a zillah court from any decree passed by a register or sudder ameen within his jurisdiction; subject however to the same rules and restrictions as are prescribed for the admission of special appeals by the provincial courts.

Special appeals shall be admissible from decrees of registers and sudder ameens.

III.* First. Whenever the station of a provincial court may be fixed at a place where no zillah court is established, the law officers of such provincial court shall be authorized, as sudder ameens, to issue, under their own seal and signature respectively, any summonses, notices or other process of citation that may be necessary to procure the attendance of parties and witnesses in order to the due examination of any cause depending before them: provided however, that no process of attachment whether of person or property, either for the execution of any decree, or for the levy of any fine, or for any other purpose, shall be issued, except under the seal of the zillah court and the official signature of the judge or register, as provided by Section XIV, Regulation VIII of 1816.

The law officers of provincial court, where no zillah court is established, may issue process under their own seal and signature.

Except process of attachment whether of person or property.

Second. The process which sudder ameens of provincial courts are authorized by this Regulation to issue under their own seal and signature, shall be served by the parties applying for the same, or their vakeel, or any other person whom they may choose to employ for that purpose; provided however, that the name of the person intended to be employed in this duty be in all cases endorsed on the process by the sudder ameens pre-

How such process shall be served.

* *Vide Clause third, Section* III, *Regulation* XI, 1827.

viously to its being delivered to the party or his vakeel for execution.

Such process to be endorsed with a written acknowledgment of service by the person on whom it is served.

Third. The person by whom process may be served, shall require from the person on whom it is served, a written acknowledgment, to be endorsed on the process, signifying that it has been duly served upon him, and shall require some of the neighbours or other inhabitants to witness the due service of the process.

A. D. 1823. REGULATION III.

A REGULATION, for rescinding Section XI, Regulation IX of 1822; and for declaring the powers of subordinate and assistant collectors, in the execution of the provisions of Regulation IX of 1822.—Passed by the Honorable the Governor in Council of Fort St. George, on the 8th August 1823.

Preamble.

WHEREAS the reference to the board of revenue required, by Section XI, Regulation IX of 1822, to be made by collectors before any judgment passed by them under Section IV of that Regulation can be carried into execution, has been found inconvenient in practice and otherwise objectionable; and it is expedient that the said rule be rescinded, and that the board of revenue be vested with general power to suspend the execution of any judgment so passed which to them may seem improper: The Honor-

able the Governor in Council has been pleased to enact the following rules, to be in force from the date of their promulgation.

II. First. Section XI, Regulation IX of 1822, is hereby rescinded. Rescission.

Second. Collectors will transmit such periodical or occasional reports of judgments passed under Section IV of the above quoted Regulation as the board of revenue may direct; and it shall be competent to the board of revenue, whenever they may see fit, to order that any such judgment be not carried into execution, and to pass such further order on the case as to them may seem equitable and just. Collectors to transmit reports of judgment passed by them under Regulation IX of 1822, which the board of revenue may, at their discretion, suspend.

III. *Rescinded by Section* II, *Regulation* VII, 1828.

A. D. 1824. REGULATION I.

A REGULATION for extending to the criminal courts the rules prescribed in Section VII, Regulation III, 1802, for procuring the attendance and evidence of witnesses.—Passed by the Honorable the Governor in Council of Fort St. George, on the 26th November 1824.

WHEREAS the rules contained in Section VII, Regulation III, 1802, for procuring the attendance and evidence of witnesses in the civil courts, have Preamble.

not been included in any Regulation for the criminal courts, and it is necessary that the provisions for compelling the attendance and evidence of witnesses in civil cases should be made equally applicable to witnesses in criminal cases: The Honorable the Governor in Council has enacted the following Regulation, to be in force from the date of its promulgation.

The rules of Section VII, Regulation III, 1802, for obtaining the attendance and evidence of witnesses, extended to the cases of witnesses required by magistrates, criminal judges and courts of circuit.

II. Such parts of Section VII, Regulation III, 1802, as prescribe to the civil courts the rules for procuring the attendance and evidence of witnesses, and for administering oaths, or taking declarations equivalent to, and in lieu of, such oaths; and likewise for inflicting punishments on persons who, being duly summoned, refuse to attend, or, when attending, refuse to give evidence, are hereby extended to the cases of witnesses whose attendance and evidence may be required by any zillah magistrate or criminal judge, or the courts of circuit, in any criminal trials or matters cognizable by them respectively.

A. D. 1825. REGULATION I.

A REGULATION, to rescind Regulation I of 1822, and to alter certain other provisions of the Regulations in force; and to provide for the more prompt and effectual administration of criminal justice in certain cases.—Passed by the Honorable the Governor in Council of Fort St. George, on the 29th March 1825.

Preamble.

WHEREAS the reference to the court of foujdarry udalut of all cases of conviction of robbery by open violence, which is prescribed by Regulation I of 1822, has been found greatly to increase the labors of the courts of circuit, without any commensurate benefit; and it is considered, that the object of that Regulation may be effectually attained by requiring, that a report shall be made to the court of foujdarry udalut by the judge of circuit in all cases, in which the penalties, adjudicable by the court of circuit under the provisions of Clause third, Section IV, Regulation XV of 1803, may appear too severe; authority being given to the court of foujdarry udalut to sanction a mitigation of punishment, upon such report: and whereas it is considered proper, that authority should be given to the court of foujdarry udalut to mitigate the punishment in the cases, described in Clause first, Section XIX, Regulation VIII of 1802; and, on a report from the judge of circuit, to sanction a mitigation of the penalties, prescribed in Section XXI, Regulation VII of 1802, and in Clause first, Section III, Regulation VI of 1811, without a reference of the trial: and whereas the rule, contained in Section XXV, Regulation VII of 1802, has been found unnecessarily to augment the number of references to the court of foujdarry udalut: and whereas it is considered expedient, in modification of the provisions of Section XXII, Regulation VII of 1802, to authorize the judges of circuit to over-rule, under certain restrictions, objections, taken by the mohummudan law officer, to the evidence of witnesses on criminal trials: and whereas it is deemed advisable to declare, in amendment of Section III, Regulation VI of 1822, that, in certain cases of theft, the criminal judges shall commit

the accused for trial before the court of circuit, solely with reference to the amount of the property stolen: The following rules have been enacted, to be in force from the date of their promulgation.

Regulation I of 1822, rescinded.

II. First. Regulation I of 1822, is hereby rescinded.

Offenders, declared in Clause third, Section II, and Clause second, Section III, Regulation VI of 1822, liable to the punishment prescribed by Section III, Regulation I of 1822; to be sentenced to 39 stripes and transportation for life.

Second. All offenders who, by the provisions of Clause third, Section II, and Clause second, Section III, Regulation VI of 1822, are declared liable to the punishment, prescribed by Section III, Regulation I of 1822, shall, on conviction, be sentenced to corporal punishment, not exceeding 39 stripes with a rattan, and to imprisonment, and transportation, for life.

The court of foujdarry udalut empowered to adjudge all persons, sentenced to transportation for life, to receive 39 stripes.

Third. The court of foujdarry udalut shall have authority, at their discretion, to adjudge all persons, sentenced by them to imprisonment, and transportation, for life, to corporal punishment of thirty-nine stripes with a rattan.

Similar authority given to the courts of circuit, in cases of imprisonment, under Clause third, Section IV, Regulation XV of 1803.

Fourth. The court of circuit shall have authority, at their discretion, to adjudge all persons, sentenced by them to imprisonment, under the provisions of Clause third, Section IV, Regulation XV of 1803, to receive corporal punishment, not exceeding thirty-nine stripes with a rattan.

Such part of Clause fifth, Section IV, Regulation XV of 1803, as respects the courts of circuit, rescinded.

III. First. Such part of Clause fifth, Section IV, Regulation XV of 1803, as respects the courts of circuit, is hereby rescinded.

In cases of convic-

Second. If it shall appear to the judge of circuit,

on any trial held under the provisions of Clause third, Section IV, Regulation XV of 1803, and not referrible to the foujdarry udalut, that the stated punishment is, in any particular instance, too severe; or if, on consideration of the number of prisoners, convicted of the same crime, and of any discriminative circumstances with respect to one, or more, of them, the example shall appear sufficient for the ends of justice, without extending the full degree of the prescribed punishment to the whole of the prisoners convicted; the judge of circuit shall submit a report of the circumstances of the case, and of the sentence proposed by him to be passed on each convicted prisoner, to the court of foujdarry udalut, accompanied by a statement of the grounds of his opinion, that such mitigation of punishment is proper.

tion under Clause third, Section IV, Regulation XV of 1803, if the judge of circuit consider the stated punishment too severe, he shall make a report to the court of foujdarry udalut.

Third. The court of foujdarry udalut shall have authority, on receiving the report, prescribed in Clause second of this Section, to sanction such mitigation of punishment, as may appear to them proper; but, should they not see sufficient grounds for mitigating the prescribed penalty, they are hereby empowered to direct the judge of circuit to issue his warrant for carrying into effect the sentence prescribed by law.

Court of foujdarry udalut empowered to sanction mitigation of punishment, on report from the judge of circuit.

IV. The courts of circuit and foujdarry udalut are hereby authorized to proceed in the mode prescribed in Clauses second and third, Section III of this Regulation, in all cases, wherein a futwah, awarding amputation, may be given by the law officer of the court of circuit; and the sentence prescribed in Section XXI, Regulation VII of 1802,

The provisions of Clauses second and third, Section III of this Regulation, made applicable to the cases, provided for in Section XXI, Regulation VII of 1802.

may be considered by the judge of circuit, holding the trial, to be too severe.

The provisions of Clauses second and third, Section III of this Regulation, made applicable to the cases, provided for in Clause first, Section III, Regulation VI of 1811.

V. In modification of the provisions of Section III, Regulation VI of 1811, authority is hereby given to the courts of circuit, and foujdarry udalut, to proceed in the mode prescribed in Clauses second and third, Section III of this Regulation, in all cases, wherein the judge of circuit may consider the punishment, prescribed in Clause first, Section III, Regulation VI of 1811, to be too severe.

Section XIX, Regulation VIII of 1802, rescinded.

VI. First. Section XIX, Regulation VIII of 1802, is hereby rescinded.

Court of foujdarry udalut empowered to mitigate, or remit, the punishment in cases, specially provided for by the mohummudan law.

Second. In all instances, wherein the futwah of the law officers of the foujdarry udalut shall declare the prisoner or prisoners, liable to more severe punishment than, under the evidence, and all the circumstances of the case, shall appear to that court to be just and equitable; and the mohummudan law shall not allow a discretion to the court in determining the degree of punishment, (as it does in all cases of tazeer;) the court of foujdarry udalut are hereby empowered to mitigate, or remit, the punishment, as may appear to them proper.

Section XXV, Regulation VII of 1802, rescinded.

VII. Section XXV, Regulation VII of 1802, is hereby rescinded.

Courts of circuit how to proceed when the evidence of witnesses may, on insufficient grounds, be considered by the law officers to be inadmissible.

VIII. In cases, in which the evidence of a witness on a criminal trial before a court of circuit may be declared by the mohummudan law officer inadmissible or incompetent, on the ground of the witness's not professing the mohummudan religion, of his

a police officer, or an officer of government, of description; or any other ground of exception in the mohummudan rules of evidence, which may appear to the judge of circuit unreasonable and insufficient; the judge shall cause the examination of the witness to be taken, notwithstanding the exception stated by the law officer; and shall require the latter, on completion of the trial, to declare in his futwah, the sentence to which the prisoner would have been liable, if the evidence of the witness or witnesses objected to, had been admissible under the provisions of the mohummudan law. In such* cases, however, if the conviction of the prisoner depend exclusively, or principally, upon the evidence of the witness or witnesses objected to by the law officer, the judge of circuit shall not pass any sentence; but shall refer the trial to the court of foujdarry udalut, to be disposed of by them under the general Regulations.

Clause second, Section III, Regulation VI of 1822, amended.

IX. In amendment of Clause second, Section III, Regulation VI of 1822, it is hereby declared, that, in cases of theft, where the amount or value of the property stolen shall exceed the sum of three hundred madras rupees, the amount shall be deemed a circumstance taking the case out of the jurisdiction of the criminal judge, as to passing sentence on the accused; and shall make it necessary for him to commit the accused for trial before the court of circuit.

The cases of persons under examination, or commitment for

X. First. The cases of persons who, at the date of the promulgation of this Regulation, may

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Vide Regulation VI, 1829.

trial, or whose trials may be preparing for reference, for robbery by open violence, unattended with the aggravating circumstances specified in Clauses first and second, Section IV, Regulation XV of 1803, exempted from the operation of Regulation I of 1822.

be under examination or commitment for trial, or whose trials may be preparing for reference to the court of foujdarry udalut, for the crime of robbery by open violence, unattended with any of the circumstances of aggravation specified in Clauses first and second, Section IV, Regulation XV of 1803, are hereby exempted from the operation of the provisions of Regulation I of 1822, now rescinded.

Such cases may be disposed of by the judge of circuit, under Clause third, Section IV, Regulation XV of 1803.

Provision for mitigation of punishment.

Second. It shall be competent to the judge of circuit, trying the cases described in Clause first of this Section, to dispose of them under the provisions of Clause third, Section IV, Regulation XV of 1803; or, should he deem a mitigation of punishment proper, to submit the report prescribed in Clause second, Section III of this Regulation, to the court of foujdarry udalut.

Court of foujdarry udalut how to proceed, on recommendation of mitigation of punishment.

Third. It shall be competent to the court of foujdarry udalut, on receiving such report from the judge of circuit, to sanction a mitigation of the prescribed penalty, if it appear to them proper; but should they not see sufficient grounds for the proposed mitigation of punishment, they shall direct a reference of the trial for their final judgment.

A. D. 1825. REGULATION II.

A Regulation, for modifying and amending certain provisions contained in Regulation XIII of 1816, Regulation II of 1817, and Section VI, Re-

lation XXXIV of 1802.—Passed by able the Governor in Council of Fort on the 15th of April 1825.

WHEREAS the provision contained in Section IX, Regulation XIII of 1816, which declares that any of the several instruments therein specified, which may not have been written on paper, or other material, bearing the prescribed stamp, shall not be admitted in evidence, or otherwise received, or filed in any court of judicature, may frequently operate to the injury of rightful claimants and is not requisite for the protection of the revenue: and whereas it is considered proper, in modification of the provisions of Sections XI and XX, Regulation XIII of 1816, to prescribe that bonds or other instruments, for sums not exceeding sixty-four rupees, wills, and miscellaneous petitions addressed to the board of revenue, shall not be required to be written on stampt paper: and whereas it appears expedient to rescind Section VI, Regulation II of 1817, the imposition of a stamp duty on abkarry licences being nugatory as a mode of raising revenue: and whereas the provision contained in Section VI, Regulation XXXIV of 1802, that bonds or instruments, bearing a higher rate of interest than twelve per cent, shall not be recoverable in the courts of adawlut, is considered to be objectionable on general grounds of policy; and it is deemed sufficient to provide that the amount of interest stipulated in such bonds or instruments, in excess of the legal rate, shall not be recoverable: The following rules have been enacted, to be in force from the date of their promulgation. Preamble.

Section IX, Regulation XIII of 1816, rescinded.

II. Section IX, Regulation XIII of 1816, is hereby rescinded.

Bonds, or other instruments, not written on paper bearing the prescribed stamp, not to be admitted in evidence, or received in any court of judicature, except upon payment of a penalty equal to ten times the amount of the stamp duty.

III. First. From and after the date of the promulgation of this Regulation any bond, promissory note, bill of exchange, letter of credit, or other obligation for the payment of money; any receipt or acquittance, by which any sum of money or demand, shall be acknowledged to have been paid, received, liquidated, discharged, accounted for, or in any manner satisfied; any deed of gift, sale, or other transfer of property, real or personal; any lease, deed of mortgage, or other limited assignment of land; any deed of contract, partnership, security, or engagement, which may not have been written on paper, or other material, bearing the prescribed stamp, shall not be admitted in evidence, or otherwise received, or filed in any court of judicature, until the party presenting the same, shall have paid a penalty equal to ten times the amount of the stamp duty, which would have been payable on such bond or other instrument, in the first instance, if it had been prepared on paper, or other material, bearing the prescribed stamp.

Payment of the penalty to be certified on instruments so admitted.

Second. When instruments may be admitted, on payment of the penalty prescribed in Clause first of this Section, in any court of judicature, the payment of the penalty shall be certified upon the instrument by the court; and such certificate shall render the instrument ever after admissible, in the same manner as if it had been duly stamped.

Certificate what to contain.

Third. The certificate mentioned in Clause second of this Section, shall specify the date and place of the

payment of the penalty, the amount, a[illegible] of the party by whom it may be paid; and [illegible] sponding entry of such payments shall be made by the court in a book to be kept for that purpose.

To be registered.

Fourth. In cases where the penalty prescribed in Clause first of this Section may be levied by a village, or district punchayet, the amount shall be remitted to the district moonsif, with a memorandum of the date and place of payment and the name of the party by whom it may be made.

Amount of penalties levied by village, or district punchayets, to be remitted to the district moonsif.

Fifth. District moonsifs shall remit the sums received by them under the provisions of Clause fourth, and also the amount of penalties levied by themselves under the provisions of Clause first of this Section, to the zillah judge, accompanied by a memorandum of the date and place of payment, and the name of the party by whom it may be made; corresponding entries of which payment shall be made by the zillah judge in a book specially kept for that purpose.

Who shall remit the same to the zillah court.

Sixth. If on the presentation of any instrument bearing the prescribed certificate of payment of the penalty, the court see reason to believe the certificate to be forged, a reference shall be made to the register of payments kept by the zillah or provincial court, for the purpose of ascertaining whether the penalty was paid according to the tenor of the certificate.

When the certificate may appear to be forged, a reference to be made to the register.

IV. In modification of the provisions contained in Section XI, Regulation XIII of 1816, it is hereby declared that instruments for sums not exceeding 64

Instruments for sums not exceeding 64 rupees, and wills, not required to be on stamp paper.

rupees, and wills, shall not be required to be written on stamp paper.

Petitions on unstampt paper may be presented to the board of revenue.

V. In modification of the provisions contained in Section XX, Regulation XIII of 1816, it is hereby enacted that petitions on unstampt paper shall be received by the board of revenue.

Section VI, Regulation II of 1817, rescinded.

VI. Section VI, Regulation II of 1817, is hereby rescinded.

Instruments bearing a higher rate of interest than the legal rate recoverable in the courts.

VII. In modification of the provisions of Section VI, Regulation XXXIV of 1802, it is hereby enacted that bonds or other instruments shall, from the date of the promulgation of this Regulation, be recoverable in the courts, notwithstanding their stipulating for the payment of a higher rate of interest than that which is at present or may be hereafter declared to be the legal rate:

Proviso.

provided however, that the courts shall not allow a higher rate of interest than that prescribed by law upon such instruments.

A. D. 1825. REGULATION III.

A REGULATION, to prohibit judges from sitting on the trial of appeals in causes tried before themselves; and to empower the Governor in Council to increase, at his discretion, the number of judges of the provincial courts of appeal and circuit, and of the sudder and fonjdarry adawlut.—Passed by the Honorable the Governor in Council of Fort St. George, on the 10th of June 1825.

WHEREAS it is incompatible wi[illegible] and effectual administration of justice that a judge of a zillah or a provincial court, or of the court of sudder adawlut, should sit on the trial of an appeal suit, if, in the court of prior jurisdiction, he tried the cause which is the subject of appeal; and whereas in order to prevent any failure or delay of justice on such and other occasions, it is expedient that the Governor in Council should be empowered to increase, whenever he may see fit, the number of judges of the courts of appeal and circuit, and of the sudder and foujdarry adawlut, without passing a Regulation for that purpose; The Honorable the Governor in Council is therefore pleased to enact this Regulation, to have effect from the date of its promulgation.

Preamble.

II. First. No judge of the court of sudder adawlut or of any provincial court of appeal, shall sit on the trial of any appeal in a cause tried before himself as one of the [illegible] a provincial court or as a zillah judge [illegible] shall he sign a decree passed on such appe[illegible] court of which he is a judge.

No judge shall [illegible] on the trial of [illegible] appeal in a ca[illegible] tried before him while judge o[illegible] lower court;

Second.* No zilla[illegible] shall try an appeal from a decree passed b[illegible] as a register.

Or while a reg[illegible]

III.† First. Whenever an appeal may be preferred to a zillah judge against a decree passed by himself as a register, the zillah judge shall forward the petition of appeal, with all the evidence and documents in the case, to the provincial court of the

An appeal coming before a zillah judge from a decree passed by himself while register, is to be removed to the provincial court of the division.

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* *Vide Clause first, Section II, Regulation I, 1829.*

† *Vide Clause second, Section II, Regulation I, 1829.*

division in which the zillah is situated; and the provincial courts are hereby empowered and directed to receive such appeals and to try them and pass judgments therein, in conformity with the rules in force for the receiving, trying and deciding of regular appeals.

The stampt paper used in such cases to be where prescribed for appeals to zillah courts.

Second. In all cases forwarded to the provincial courts for adjudication under the foregoing Clause, the application for the admission of exhibits, the pleadings subsequent to the petition of appeal, and the decree, shall severally be written on the stampt paper prescribed for the preparation of the documents in the zillah courts, by Sections XVI, XIX and XXII, Regulation XIII of 1816.

special appeals the sudder adawlut in such cases, the apers to be the e as in special eals from zillah provincial courts.

Third. Whenever the court of sudder adawlut may admit a second or special appeal from a decision passed by a provincial court under the provisions of this Section, the pleadings and other documents required to be prepared on stampt paper, shall be written on stampt paper of the value prescribed in cases of special appeals admitted by provincial courts from decrees of zillah judges.

e Governor in council may appoint additional judges to the provincial courts or the sudder adawlut.

IV. The Governor in Council is empowered, whenever he may deem it expedient, to appoint additional judges to any of the courts of appeal and circuit, or to the court of sudder and foujdarry adawlut.

A. D. 1825. REGULATION IV.

A REGULATION, for amending and modifying the provisions contained in Regulation VII of 1818.—Passed by the Honorable the Governor in Council of Fort St. George, on the 12th of July 1825.

Preamble.

WHEREAS the rules contained in Section IV, Regulation VII of 1818, whereby suits in which the cause of action may not exceed eighty rupees, and suits for the recovery of pecuniary penalties incurred by any breach of the Regulations, are excluded from cognizance as pauper suits, and judges are prohibited from referring pauper suits to the native judicatories, are considered to operate with severity upon the poorer classes, as well by occasionally preventing the trial of just demands, as by obliging them to an inconvenient attendance upon the zillah courts, to which other suitors are not subjected; and whereas it has been found that the provisions of Clause second, Section V of the Regulation, do not oppose an efficient check to the institution of groundless pauper suits, while on the other hand, the obligation imposed on the courts by Clause third of that Section to reject the pauper's application, if the opinion of the vakeel shall be that his case is not sustainable, may occasionally have the effect of excluding from trial well founded claims: and whereas it is therefore deemed expedient, that the abovementioned rules and provisions should be modified: this Regulation has been enacted, to be in force from the date of its promulgation.

Suits of certain descriptions to be admissible as pauper suits.

II. In modification of the provisions of Clause first, Section IV, Regulation VII of 1818, it is hereby declared, that suits in which the cause of action shall exceed 10 rupees; and suits for the recovery of pecuniary penalties, incurred by any breach of the Regulations, shall be admissible as pauper suits.

Rescission.

III. First. Clause second, Section IV, Regulation VII of 1818, is hereby rescinded.

Pauper suits referrible to native judicatories.

Second. It shall be competent to the zillah courts to refer, at their discretion, to the sudder ameens and district moonsifs such pauper suits, admitted by them, as may with reference to the value of the cause of action be cognizable by those officers respectively.

The vakeel's opinion of the merits of a pauper's claim to be accompanied by a statement of the grounds of such opinion.

IV. In modification of the provisions of Clause second, Section V, Regulation VII of 1818, it is hereby prescribed, that the opinion, which the vakeel is thereby required to give that a suit proposed to be instituted by a pauper is, or is not sustainable, shall be in all cases accompanied by a statement of the grounds, on which such opinion is formed.

Rescission.

V. First. Clause third, Section V, Regulation VII of 1818, is hereby rescinded.

Courts empowered to over-rule the opinion of a vakeel against a pauper's claim.

Second. In cases wherein the opinion of the vakeel may be against the claim of the party wishing to sue as a pauper, it shall be competent to the court, on application from such party, to take into consideration the grounds of the vakeel's opinion, and should it see fit, to admit the applicant to sue in formâ pauperis.

Third. In cases wherein the opinion of the vakeel may be in favor of the claim of a party wishing to sue as a pauper, it shall be competent to the court, after taking into consideration the grounds of that opinion, to reject the application of such party to sue in formâ pauperis.

Courts empowered to over-rule the opinion of a vakeel in favor of a pauper's claim.

Fourth. Whenever the court may admit a party to sue in formâ pauperis under Clause second, or reject his application under Clause third of this Section, the grounds of such resolution shall be recorded; but no appeal shall be allowed therefrom.

Courts to record the grounds of resolutions passed under Clauses second and third of this Section; which shall be final.

A. D. 1825. REGULATION V.

A Regulation, for modifying the provisions of Section XLIII, Regulation VI of 1816, regarding suits for land.—Passed by the Honorable the Governor in Council of Fort St. George, on the 6th of December 1825.

Whereas it is considered expedient and necessary to provide against the consequences of erroneous decisions passed by the district moonsifs in suits for land, from which no appeal is admissible under the provisions of Section XLIII, Regulation VI of 1816, and that the modification of the provisions contained in that Section, so far as to allow an appeal from the decisions of district moonsifs in all suits for property in land, will not materially interfere with the beneficial operation of the Regulation:

Preamble.

The Governor in Council has been pleased to enact this Regulation, to be in force from the date of its promulgation.

All decisions of district moonsifs in suits for landed property passed after the promulgation of this Regulation, open to appeal.

II. In modification of the provisions contained in Section XLIII, Regulation VI of 1816, it is hereby enacted, that from all decisions which may be passed by district moonsifs, in suits for property in land, subsequently to the date of the promulgation of this Regulation, an appeal shall lie to the zillah court under the rules prescribed in Section LIII of that Regulation.

A. D. 1826. REGULATION I.

A Regulation, for establishing rules for the use, and providing checks on the abuse, of the power of employing summary process for the recovery of arrears of public revenue, other than the land revenue.—Passed by the Honorable the Governor in Council at Fort St. George, on the 7th of April 1826.

Preamble.

Whereas it is necessary for the complete and punctual collection of the public revenue, that collectors should have the power of using summary process, for the recovery of arrears of public revenue of any description whatever, against all persons, whether farmers of revenue or others, from whom such arrears may be due to Government; and that all farmers of public revenue should have the power

of using summary process for the recovery of arrears from their sub-renters: and whereas it is deemed expedient to extend to all branches of the public revenue the rules, so far as they are applicable, for the use, and the special checks upon the abuse, of that power, which have been provided in the case of the land revenue by the Regulations now in force: The Governor in Council has therefore been pleased to enact this Regulation to be in force from the date of its promulgation.

II. First. It is competent to collectors of the public revenue to proceed against all persons, whether farmers of revenue or others, and against their securities, for the recovery of arrears of revenue of any description due from them to Government, by the like summary process as may be lawfully used for the recovery of arrears of land revenue.

Collectors may use summary process for recovering arrears of any branch of revenue.

Second. In regard to distraining the property and to imprisoning the persons of defaulters in any branch of the public revenue, or of their securities, the same rules shall be observed which are enjoined in the case of proprietors or farmers of land by Sections IV, V, VI, VII and XIII of Regulation XXVII of 1802.

What rules shall be observed in cases of distraint and imprisonment.

III. All persons paying public revenue of any description directly to Government or to the officers of government, and the securities of all such persons, shall be at liberty to do, under the like circumstances, all such acts as are permitted to proprietors or farmers of land by Sections IX, XI and XII of Regulation XXVII of 1802; and the courts of adawlut are required to proceed in the same way regarding

The protection which is afforded to proprietors or farmers of land extended to all persons paying public revenue.

all applications made under this Section, as regarding similar applications made under those provisions by proprietors or farmers of land.

All farmers of revenue authorized to recover arrears from sub-renters by summary process.

IV. All farmers of public revenue are hereby authorized to proceed against their sub-renters for the recovery of arrears of rent, in the same manner in which land-holders have power to proceed for the recovery of arrears due to them from under farmers or ryots.

The protection which is afforded to ryots and under-farmers of land, extended to all sub-renters of revenue.

V. The provisions in the Regulations now in force for the protection of ryots or under-farmers of land revenue, against illegal demands, undue exactions, unlawful distraint or sale, and wrongous imprisonment, are hereby declared applicable to the protection of all sub-renters under farmers of any branch of public revenue.

A. D. 1826. REGULATION II.

A Regulation, for rescinding Clause fourteenth, Section XVIII, Regulation II of 1812.—Passed by the Honorable the Governor in Council of Fort St. George, on the 11th of April 1826.

Preamble.

Whereas the Act of the 51st George III, Cap. 23, contains provisions for the punishment of the offence of carrying away or removing from any country or place whatsoever, any person or persons, as a slave or slaves, or for the purpose of being sold or dealt

with as a slave or slaves: and whereas Clause fourteenth, Section XVIII, Regulation II of 1812, by which the exportation of slaves from Malabar is prohibited under the penalty of a fine of 250 rupees, is unnecessary and inconsistent with the Act aforesaid: The Governor in Council has therefore been pleased to enact this Regulation.

II. Clause fourteenth, Section XVIII, Regulation II of 1812, is hereby rescinded. Rescission.

A. D. 1826. REGULATION III.

A REGULATION, for the more easy conviction of the crime of perjury in certain cases.—Passed by the Honorable the Governor in Council of Fort St. George, on the 17th of October 1826.

IN prosecutions for perjury under the provisions of Sections III and IV, Regulation VI of 1811, it has been determined that the matter or matters of fact, wherein the perjury is assigned, must be set forth in the charge, and that the evidence of two or more witnesses is necessary to disprove the said matter or matters of fact; but numerous cases have occurred in which a party or witness has given two contradictory depositions in regard to the same matter or matters of fact: and, although in such cases one of the two depositions must necessarily be false, it is often difficult to ascertain in which deposition the perjury was committed; and this heinous crime thus Preamble.

frequently escapes punishment. It is necessary therefore, for the ends of justice, to provide for the more easy conviction of the crime of perjury in these cases; and for this purpose the Governor in Council has enacted the following rules, to be in force from the date of their promulgation.

Persons giving two contradictory depositions on oath liable to be committed for trial for wilful and corrupt perjury.

II. First. If a party or witness shall wilfully and deliberately give two contradictory depositions on oath, or under a solemn declaration taken instead of an oath, on a matter or matters of fact material to the issue of a judicial proceeding, such party or witness shall be liable to be committed for trial before the court of circuit for wilful and corrupt perjury; provided that the contradiction between the two depositions be direct and positive, and that, upon the whole circumstances of the case, there be strong grounds to presume the corrupt intention of the party or witness.

Proviso.

Evidence requisite for the conviction of persons committed for perjury under the preceding Clause.

Second. For the conviction of a person committed for trial on a charge of perjury under the preceding Clause, no other evidence shall be requisite than clear and satisfactory proof that the party or witness having been duly sworn, or having made a solemn declaration instead of an oath, wilfully and deliberately caused the two contradictory depositions to be taken down in writing; and that, before he affixed his signature or mark thereto, their contents were distinctly read over to him.

Punishment to be adjudged on conviction under the preceding Clause.

Third. Persons convicted under the foregoing Clause, shall be liable to the punishment prescribed for perjury by Section III, Regulation VI of 1811, subject to the rules established for the remission

or mitigation of the punishment in other cases of conviction.

III. It is hereby declared that a person who, under the rules contained in the foregoing Section, has been tried on a charge of perjury, founded on his two contradictory depositions, shall not, whether convicted or acquitted, be afterwards liable to a prosecution for the same offence, charging the perjury in the usual way specifically on either of the said two depositions.

Persons tried for perjury under this Regulation not liable to a second prosecution for the same offence, charging the perjury on either of the two contradictory depositions.

A. D. 1827. REGULATION I.*

A Regulation, for the establishment of auxiliary zillah courts in the territories subject to the presidency of Fort St. George; and for the appointment of assistant judges and sudder ameens to those courts.—Passed by the Governor in Council of Fort St. George, on the 20th February 1827.

It has been deemed expedient for the more prompt and efficient administration of justice that auxiliary courts, with the full power and authority of zillah courts, should be established in any of the zillahs in the territories subject to this presidency in which, from the pressure of business before the zillah judges or from any other cause, the establishment of such courts may appear requisite or proper; and that a convenient portion of the zillahs in which such

Preamble.

* *Vide Regulation* XI, 1827.

auxiliary courts may be established, should be transferred to the separate jurisdiction of those courts: for this purpose the Governor in Council has enacted the following Regulation, to be in force from the date of its promulgation.

Auxiliary zillah courts to be established.

II. First. The Governor in Council is empowered, whenever he may deem it expedient, to establish auxiliary courts in any of the zillahs in the territories subject to this presidency, and to transfer to the separate jurisdiction of those courts such portion of the zillahs in which they may be stationed respectively, as may appear proper.

Section II, Regulation I, 1821, applicable to such courts.

Second. The provisions of Section II, Regulation I, 1821, shall be applicable to the courts established under this Regulation.

Each auxiliary court to be superintended by an assistant judge.

III. First. Each auxiliary court established under this Regulation shall be superintended by an officer denominated "assistant judge" of the zillah in which it may be stationed; and previously to entering on the duties of his office the assistant judge shall take and subscribe before the Governor in Council, or before any person whom the Governor in Council may commission to administer it, a similar oath to that which is directed by Section XIII, Regulation II, 1802, to be taken and subscribed by the judges of the zillah courts.

Oath to be taken by the assistant judge.

Seal to be used by the assistant judges.

Second.* The assistant judges shall use a seal of the same form and dimensions as the seal directed by Section XIV, Regulation II, 1802, to be used

* *Vide Section V, Regulation VII, 1827.*

by the zillah courts; bearing an inscription in the Persian character and language and in the character and language of the district, to the following effect: viz. "The seal of the auxiliary court in the zillah of ———."

IV.* A suf[illegible]ber of pleaders shall be appointed to a[illegible]y court under the provisions contained [illegible]tion XIV, 1816, and Regulation V, 18[illegible] such establishment of ministerial officers [illegible]pear necessary shall also be attached to t[illegible]. Pleaders and ministerial officers to be appointed to each auxiliary court.

V.* First. The same power and authority as is now vested in zillah judges and subject to the same rules and restrictions, shall be exercised by the assistant judges wit[illegible]its assigned to the local jurisdiction of [illegible]s respectively; and all original suits of a[illegible]y value not exceeding the sum of rupee[illegible]and, arising within such limits, shall be e[illegible]by them and not by the zillah judges. Jurisdiction of assistant judges.

Second. Appeals [illegible] decrees of district moonsifs stationed wit[illegible]its assigned to the local jurisdiction of t[illegible]y courts, shall lie to the assistant judges. Appeals from decrees of district moonsifs within his jurisdiction to lie to the assistant judge.

Third. In suits for an amount or value not exceeding one thousand rupees, an appeal from the decision of the assistant judge shall lie to the judge of the zillah; and in suits for an amount or value Appeals from decisions of the assistant judge in certain suits to lie to the zillah judge.

* *Vide Section V, Regulation VII, 1827.*

exceeding the sum above specified, an appeal shall lie to the provincial court of the division.

Special appeals allowed from decisions of the assistant judge on appeals from decrees of district moonsifs.

Fourth. A second or special appeal shall be admissible by the judge of the zillah from any decree passed by the assistant judge on an appeal from the decision of a district moonsif within his jurisdiction, subject to the rules and restrictions prescribed by Section IV, Regulation XV, 1816.

Causes to be transferred by the zillah judge to the assistant judge.

VI.* First. Whenever an auxiliary court may be established under this Regulation, the judge of the zillah shall transfer to the assistant judge all suits depending before him, wherein the cause of action may have arisen, or the property in dispute may be situated, within the limits assigned to the local jurisdiction of such auxiliary court; provided, however, that no suit in which any proceeding has been held beyond the filing of the pleadings and exhibits shall be transferred to the assistant judge for trial and decision.

Proviso.

Zillah judge empowered to transfer to the assistant judge suits in which the cause of action may have arisen at a distance from the zillah court and near the borders of the assistant judge's jurisdiction.

Second. In suits which are pending or may subsequently be filed before the zillah judge, if the cause of action shall have arisen, or the property in dispute shall be situated, or the parties concerned shall reside at a place contiguous to the borders of the limits assigned to the local jurisdiction of the assistant judge, and so far distant from the zillah court as to render the attendance of the parties and witnesses at that court inconvenient, it shall be competent to the zillah judge to refer such suits for trial and decision by the assistant judge.

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* *Vide Section* V, *Regulation* VII, 1827.

Rules for apportioning the fees of pleaders in suits transferred to the assistant judge.

Third. In these suits, as well as in the suits transferred to the assistant judge under Clause first of this Section, if the petition of plaint only has been filed in the zillah court, the pleader who may have been employed by the plaintiff shall be entitled only to one-eighth of the established fee; and the remainder shall be paid to the pleader who may be employed in the [illegible] the assistant judge: if all the pleadings sh[illegible] been filed in the zillah court, the fees shall be [illegible] equally between the pleaders employed i[illegible] rt and in the court of the assistant judge.

Sudder ameens may be appointed to the auxiliary courts.

VII.* First. It shall be competent to the Governor in Council to authorize the appointment of persons of the hindoo or mahomedan persuasion, not holding the situation of law officers, to be sudder ameens in the auxiliary c[illegible] established by this Regulation, with th[illegible] and subject to the rules prescribed for t[illegible] ameens acting under Regulation VIII, 181[illegible]

Sudder ameens how to be appointed.

Second. Wheneve[illegible] nor in Council may authorize the appoin[illegible] sudder ameen to any of the auxiliary c[illegible] ssistant judge shall recommend to the pr[illegible] court such person as he may deem fit for the office, and no person shall be appointed to officiate as sudder ameen without the previous sanction of the provincial court.

Oath to be taken by the sudder ameens.

Third. Every sudder ameen appointed under this Regulation, previously to entering on the duties of his office, shall take and subscribe before the assis-

* *Vide Section V. Regulation VII, 1827.*

tant judge an oath, or in lieu of such oath shall subscribe a solemn declaration, as required by Section V, Regulation VIII, 1816, in respect of the sudder ameens of the zillah courts.

Rules for appeals from the decisions of the sudder ameens.

Fourth. An appeal from decisions of the sudder ameens appointed under this Regulation in original suits shall lie to the assistant judge and a special or second appeal shall be admissible by the assistant judge from their decisions on appeals referred to them from the decrees of the district moonsifs under the rules and restrictions provided by Section IV, Regulation XV, 1816, for the admission of special appeals.

Law officers of the zillah court to expound the law for assistant judges.

VIII.* First. Whenever the assistant judge may require an exposition of the law in original suits or appeals pending before him, he shall transmit a written abstract of the case to the judge of the zillah, for the purpose of its being referred for the opinion of the hindoo or mahomedan law officer attached to the zillah court.

And for sudder ameens.

Second. In like manner, when a sudder ameen appointed under this Regulation may require an exposition of the law in any case pending before him, he shall submit a written abstract of the case to the assistant judge, who shall obtain the opinion of the hindoo or mahomedan law officer of the zillah court in the mode directed in the preceding Clause.

The provisions of the general Regulations for the guid-

IX.* It is hereby declared that all the provisions of the Regulations which are now in force, or may

* *Vide Section V, Regulation VII, 1827.*

hereafter be enacted, for the guidance of the zillah judges in their proceedings and decisions, and generally in all matters relating to the discharge of their functions, whether ministerial or judicial shall, as far as consistent with this Regulation, be applicable to the assistant judges [illegible]ted under this Regulation; and the subord[illegible]s attached to the auxiliary courts shall b[illegible]o and be guided by the same rules as [illegible] be established in respect to officers of th[illegible]cription employed in the zillah courts.

ance of the zillah judges and their subordinate officers applicable to assistant judges and their subordinate officers.

A. D. 1827. REGULATION II.

A REGULATION, for constituting the assistant judges appointed under Re[illegible] 1827, joint criminal judges of the [illegible] which they may be stationed; and for [illegible] the extent to which the powers of magi[illegible] be exercised by subordinate collector[illegible] by the Governor in Council of Fort St. [illegible] the 20th February 1827.

Preamble.

FOR the more prompt [illegible] efficient administration [illegible]riminal justice it has been deemed expedient [illegible] the assistant judges appointed under Regula[illegible] I, 1827, should exercise in every respect within [illegible]imits of their local jurisdiction the same autho[illegible] and powers as are vested in criminal judges [illegible]r the Regulations which are now in force or [illegible]hereafter be enacted. It has also been deemed

expedient to define the extent to which the powers of magistrate shall be exercised by subordinate collectors. For these purposes the Governor in Council has passed the following Regulation, to be in force from the date of its promulgation.

Assistant judges to be joint criminal judges.

II. First. Assistant judges appointed under Regulation I, 1827, shall be joint criminal judges of the zillahs in which they are respectively stationed; and shall exercise within the limits assigned to their local jurisdiction the full power and authority of criminal judges.

Oath to be taken by joint criminal judges.

Second. Every joint criminal judge previously to entering on the duties of his office, shall take and subscribe before the Governor in Council, or before any person whom the Governor in Council may commission to administer it, a similar oath to that which is directed by Section II, Regulation X, 1816, to be taken and subscribed by the criminal judges.

Joint criminal judges in all matters to be guided by the rules prescribed for the guidance of criminal judges.

III. Joint criminal judges in all matters relating to the discharge of their functions shall be guided by the provisions of Regulation X, 1816, and of such other Regulations as have been, or may hereafter be enacted for the guidance of criminal judges.

The Governor in Council to determine from time to time whether there shall be a general jail delivery for the whole zillah at one station only, or a separate one at each station.

IV.* The foujdaree udawlut, under the provisions of Section II, Regulation I, 1821, will determine from time to time as they may see fit, whether a general jail delivery for the whole zillah shall be held at one station only, or whether the jails of the

* *Vide orders of Government under date the 19th January 1830.*

criminal judge and the joint criminal judge shall be separately delivered.

V. First. It is hereby provided that every subordinate collector shall have full authority to exercise within the portion of the district placed under his charge the powers [illegible]d to collectors as magistrates by Regula[illegible] 1816, or by any other Regulation.

Subordinate collectors to exercise the powers of magistrate within their revenue limits.

Second. It is [illegible]ovided that it shall also be competent to [illegible]dinate collector further to exercise the powers above specified, either generally throughout the district or specially for the conducting of any enquiry at the huzzoor station or in any other part of the district, when delegated to him by the collector as magistrate.

And elsewhere when authorized by the magistrate.

Third. The exerci[illegible] powers described in the preceding Clauses [illegible]ection by the subordinate collector shall [illegible]sede or exclude the authority of the collec[illegible]gistrate throughout the whole district, but [illegible]r as occasion may require, be subordinate [illegible]

Authority of the magistrate throughout the district not superseded thereby.

Fourth. Subordinate collectors in the exercise of the powers above specified shall be designated "joint magistrates."

Subordinate collectors in the exercise of the powers of magistrate to be called joint magistrates.

A. D. 1827. REGULATION III.

A REGULATION, for empowering the Governor in

Council in certain cases, to direct that persons charged with crimes or misdemeanors shall be sent for trial or committal to another court than that within the jurisdiction of which the offences charged were committed.—Passed by the Governor in Council of Fort St. George, on the 16th March, 1827.

Preamble.

WHEREAS by Clause second, Section XXIV, Regulation IX, 1816, and Clause fourth, Section XXVII, Regulation XI, 1816, magistrates and tahsildars respectively are required to send prisoners against whom there is evidence of having been concerned in any crime or misdemeanor, to "the criminal judge of the zillah,"—by which is to be understood the judge presiding in the court within the jurisdiction of which the crime or misdemeanor was committed; and whereas cases may occur in which the ends of justice would be furthered by the trial of the prisoners taking place in another court than that within the jurisdiction of which the offence was committed: The Governor in Council has therefore enacted this Regulation, to be in force from the date on which it is promulgated.

Magistrates, when of opinion that prisoners should be tried in some other zillah, to report to the foujdarry udalut, and that court to Government.

II. First. When a magistrate shall be of opinion from any particular circumstances connected with the case of a prisoner whom, under Clause second, Section XXIV, Regulation IX, 1816, it is his duty to send to the criminal judge of the zillah, that it is necessary, in furtherance of the ends of justice, that such prisoner should be tried or committed for trial in some other court than that within the jurisdiction of which the offence charged against him was committed; he shall report that opinion, together

with the grounds of it, and the circumstances of the case, to the court of foujdarry udalut; and that court shall submit the same, with their opinion, to the Governor in Council.

Second. When a criminal judge shall be of opinion, from any particular circumstances connected with the case of a prisoner forwarded to him by a tahsildar, under Clause fourth, Section XXVII, Regulation XI, 1816, that it is necessary, in furtherance of the ends of justice, that such prisoner should be tried or committed for trial by some other court; he shall report that opinion, together with the grounds of it, and the circumstances of the case, to the court of foujdarry udalut; and that court shall submit the same, with their opinion, to the Governor in Council.

Criminal judge the same.

III. On the receipt of such report from the foujdarry udalut, or of other sufficient information, it shall be competent to the Governor in Council to order a prisoner to be sent for trial or committal to whatever court may appear to him most proper for the furtherance of the ends of justice.

The Governor in Council competent to order prisoners to be tried in another zillah.

IV. When a prisoner shall be ordered to be sent to any other court than that within the jurisdiction of which the offence charged was committed, he shall be sent accordingly, together with the prosecutor, witnesses and documents in his case, and with a certified copy of the order of Government, and that order shall be sufficient authority for the criminal judge to whom he is therein directed to be sent, and ultimately for the court of circuit for the division, to proceed respecting his case in the same manner

Mode of proceeding when a prisoner is ordered to be tried in another zillah.

as if he had been sent by the magistrate or a tahsildar within their own jurisdiction.

A. D. 1827. REGULATION IV.

A REGULATION, for [illegible] effectual prevention of the undue use [illegible]ous and fermented liquors and intoxic[illegible] by the european troops serving under the presidency of Fort St. George.—Passed by the Governor in Council of Fort St. George, on the 10th April 1827.

Preamble.

WHEREAS it has been found necessary for the health and discipline [illegible] european troops serving under this Gover[illegible] exclude them, as far as possible, from a[illegible] obtaining intoxicating drugs or ferment[illegible]tuous liquors otherwise than under the r[illegible]d control of the officers of government; [illegible]h that view, to modify certain of the p[illegible] of Regulation VI, 1821, and to declare [illegible] provisions so modified applicable, at the discretion of Government, to other military stations as well as those at which general military bazars are established: The Governor in Council has therefore enacted the following rules.

Rescissions.

II. Clause second, Section VI, and Sections XIV, XV, XVI, XXIII and XXIV of Regulation VI, 1821, are hereby rescinded.

Commissary general

III. Within the limits of all military bazar s[illegible]

tions, and within such further limits around any of them as may be fixed by general orders of Government, the manufacture and sale of all fermented and spirituous liquors and of intoxicating drugs, shall be under the exclusive control of the commissary general.

ral to have exclusive control within certain limits, over the manufacture and sale of spirituous and fermented liquors and intoxicating drugs.

IV. Within such limits the sale of any spirituous or fermented liquor or intoxicating drug to or for any european non-commissioned officer or soldier or european woman, by any revenue abkarry renter, distiller, vender or other person, except as allowed by the general orders of Government in canteens of european regiments, is hereby strictly prohibited: and any person whatever offending herein, if liable to be tried by court martial, shall be so tried and may be punished, on conviction, with imprisonment not exceeding one month, or lashes not exceeding 50 with a cat-o'-nine tails; and for a repeated or aggravated offence, with both: [illegible] n whatever offending herein, if amenable [illegible] rity of the magistrate and not liable t[illegible] by court martial, shall be tried before [illegible] rate and may be punished, on conviction, with imprisonment not exceeding one month or stripes not exceeding 18 with a rattan; and for a repeated or aggravated offence, with both: provided always, that persons [illegible]ve the condition of petty dealers, menial servants [illegible] workmen, shall not be sentenced to corporal [illegible]nishment, either by the magistrate or by court [illegible]rtial, for a first offence; but to a fine not exceed[illegible] 100 rupees in lieu of it, or on failure to pay such [illegible], to imprisonment for a period not exceeding two [illegible]nths.

Within these limits sale of spirituous liquor, &c. to certain europeans, illegal.

Penalty.

Proviso.

Commissariat officer may grant permits.

V. At military bazar stations the commissariat officer in charge of the police, shall have power to grant permits, for bringing any spirituous liquor within the limits of the station or the limits fixed by Government for the exclusive control of the commissary general. All spirituous liquor brought in without such permit shall be liable to seizure and confiscation by the officer in charge of the police; unless such spirituous liquor shall be for the private use of european residents and consigned to them from the presidency or other station, and shall be accompanied by a permit from the collector of madras or the collector of the zillah from which it may be procured; which permit shall be delivered to the officer in charge of the police.

Liquor without permit to be confiscated.

Exception.

How confiscated liquor is to be disposed of.

VI. Where there is a military contractor for the exclusive sale of spirituous and fermented liquors, all such liquors confiscated under this Regulation shall be made over to him, provided the discovery of them shall have been made by him or by his means; otherwise they shall be disposed of by order of the commissary general, for the benefit of Government.

Shopkeepers and others not to sell spirituous liquors within the limits of the commissary general's exclusive control, without a license entering into conditions.

VII. First. Shopkeepers, petty merchants and dealers, whether european or native, shall not sell brandy, gin, rum, batavia or columbo arrack or other spirituous liquors at any military bazar station, or within the limits fixed by Government round any such station, without a special license from Government and without entering into an agreement containing such conditions as Government may from time to time prescribe. For a breach of any of the conditions entered into, the offender shall incur a forfeiture

Penalty for breach of conditions.

of the license and such other penalties as may be prescribed in the Regulations.

How a license is to be applied for.

Second. In order to obtain a license from Government, shopkeepers, petty merchants and dealers, whether european or native, having executed, in the presence of two witnesses, the agreement alluded to in the preceding Clause of this Section, shall forward the same, with a written application for the license, through the commissariat officer of the station or of the division, to the commissary general, whose duty it shall be to submit the same to the Governor in Council, who will either grant or refuse the license as he shall see fit.

Penalty for selling without a license.

Third. If any shopkeeper, petty merchant or dealer, whether european or native, amenable to the jurisdiction of the courts in the provinces, shall traffic in foreign spirituous liquors within the limits of a military bazar station, or the limits round any such station fixed by Government for the exclusive control of the commissary general, without having obtained a license under the provisions of the preceding Clause of this Section, such person shall, on conviction of the offence before the criminal judge of the zillah, be liable to the penalties prescribed in Clause ninth, Section VI, Regulation I, 1820.

Officer in charge of police may issue search warrants on information of smuggled spirituous liquors.

VIII. First. If the commissariat officer in charge of the police at military bazar stations shall receive information upon oath, that smuggled spirituous liquors or intoxicating drugs are concealed in any house or other place within the limits fixed by Government for the exclusive control of the commissary general, he shall sign a warrant in the

following form, and deliver it to one or more persons whose names shall be inserted therein and who shall execute the same.

Form of warrant.

"Whereas information has been laid on oath before me that smuggled spirituous liquors (or intoxicating drugs) are concealed in (name and describe particularly the house or other place so as to prevent mistake), you are hereby commanded to make diligent search for the same, forcing open, if need be, any locks or other fastenings within the said premises, and to bring away and deliver to me any spirituous liquors (or intoxicating drugs) there found, for which this is your warrant."

A. B.
Officer in charge of the Police.

Warrant how to be executed.

Second. No such warrant shall be executed, but between sun-rise and sun-set, nor in the apartments of native women of respectability and credit who do not ordinarily appear in public, except by women, who shall be specially deputed for that purpose by the commissariat officer in charge of the police.

Smuggled spirits to be confiscated.

Third. Spirituous liquors or intoxicating drugs so found and proved to the officer in charge of the police to have been smuggled, shall be liable to confiscation.

Any native apprehended in the act of smuggling spirituous liquors, &c. within prohibited limits, may be tried by court martial.

IX. Any native whatever who may be apprehended in the act of smuggling spirituous liquors or intoxicating drugs within the limits of any military bazar station or the limits fixed by Government for

the exclusive control of the commissary general, shall be brought to trial before a native court martial, and sentenced, on conviction, to the same punishment and with the same proviso as prescribed in Section IV of this Regulation, for offenders convicted by a court martial.

Punishment.

X. It shall be competent to the Governor in Council at any time, by general orders of Government, to declare this Regulation applicable to any other military stations besides military bazar stations, the limits of and round such stations being also declared in general orders; and to appoint an officer, there being no commissariat officer on the spot, for the purpose of regulating and controlling the manufacture and sale of spirituous and fermented liquors and intoxicating drugs, under the direction and orders of the commissary general. The officer so appointed shall be and is hereby empowered to exercise, under the orders of the officer commanding, such police authority only as has been given by this Regulation, with a view to the exercise of due control over the manufacture and sale of spirituous and fermented liquors and intoxicating drugs within the fixed limits of and round such station. Provided always, that this Regulation shall not be in force at any military bazar station until ten days after its promulgation there by beat of drum, or at any other station until ten days after the general orders of Government declaring it applicable, together with the Regulation itself, shall have been promulgated by beat of drum at that station.

Competent to Government to apply this Regulation to any military station besides military bazar stations, at their discretion.

Proviso.

A. D. 1827. REGULATION V.

A REGULATION, for establishing rules and articles for the better government of the native officers and soldiers in the service of the United Company of Merchants of England trading to the East Indies under the presidency of Fort St. George.—Passed by the Governor in Council of Fort St. George, on the 24th April 1827.

Preamble.

WHEREAS by an Act of the Parliament of Great Britain, passed in the fifty-third year of the reign of His late Majesty King George the Third, intituled *An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter*, it is enacted and declared, "That the several Governments of Fort William, Fort St. George, and "Bombay, have and shall, during the continuance "of the term hereby granted to the said Company, "be deemed and taken to have full power and authority to make all such laws and regulations and "articles of war, as they may think fit, for the order "and discipline of all officers and soldiers, natives "of the East Indies, or other places within the "limits of the said Company's Charter, in their

"respective services, and for the administration of "justice by courts martial to be holden on such "native officers and soldiers in as full and ample "a manner as the said Governments respectively "may make any other laws or regulations for the "government of the natives of the several terri-"tories subject to the said presidencies respectively, "any Act of Parliament, or other matter or thing to "the contrary notwithstanding; provided always, "that all laws, regulations, and articles of war, "hereafter to be made respecting any of the matters "aforesaid, whereby the rights, persons, or property "of any such native officers or soldiers may be "affected, shall be made and promulgated in every "respect in the same manner as other regulations "affecting the rights, persons, or property of natives "or other individuals amenable to the provincial "courts of the presidency of Fort William in "Bengal, are directed to be made by virtue of an "Act passed in the thirty-seventh year of His "Majesty's reign, intituled *An Act for the better "administration of justice at Calcutta, Madras and "Bombay, and for preventing British subjects from "being concerned in loans to the native princes in "India*." The Governor in Council of the presidency of Fort St. George, by virtue of the full power and authority declared to be vested in the Government of the said presidency by the Act above recited, has made and established the following rules and articles for the better government of the native officers and soldiers in the service of the United Company of Merchants of England trading to the East Indies, under the presidency of Fort St. George, to be in force from and after the date of their promulgation.

II. *Rules and articles of war for the better government of the native officers and soldiers in the service of the United Company of Merchants of England trading to the East Indies under the presidency of Fort St. George.*

SECTION I.

MUTINY.

ART. I.

Penalty of speaking disrespectful words against the Government.

Whatsoever officer, non-commissioned officer, or soldier, shall use disrespectful words against the Government, shall, if a commissioned officer, upon conviction thereof before a court martial, be dismissed the service: if a non-commissioned officer, or soldier, he shall suffer such punishment as by the sentence of a court martial shall be awarded.

ART. II.

Penalty of disrespectful behaviour to the commander in chief.

Any officer, non-commissioned officer, or soldier, who shall behave himself with disrespect towards the general or other commander in chief of the forces, either in word or deed, shall suffer such punishment as by a court martial shall be awarded.

ART. III.

Penalty of mutiny.

Any officer, non-commissioned officer, or soldier, who shall either excite, or join in any mutiny in the regiment, troop, or company to which he belongs, or in any other regiment, troop, or company, or in any party, post, detachment, or guard, on any pretence whatsoever, shall suffer death, or such other punishment as by a court martial shall be awarded.

ART. IV.

Penalty of not suppressing or concealing mutiny.

Any officer, non-commissioned officer, or soldier, who, being present at any mutiny, shall not use his utmost endeavour to suppress the same, or knowing of any mutiny, or intended mutiny, shall not, without delay, give information thereof to his commanding

all suffer death, or such other punishment
rt martial shall be awarded.

cer, non-commissioned officer, or soldier,
strike his superior officer, or shall draw or
aw, or lift up any weapon, or offer any
gainst him, being in the execution of his
any pretence whatsoever, or shall disobey
l command of his superior officer, shall
h, or such other punishment as by a court
all be awarded.

ART. V.

Penalty of striking or drawing any weapon against a superior officer, or disobeying orders.

SECTION II.

Of Discharging Soldiers.

nmissioned officers and soldiers, having
enlisted and sworn, shall not be dismissed
any's service without a discharge according
neral order on that head, which shall be in
he time of granting the discharge.

ART. I. ted

Discharge grant to all soldiers dismissed the service.

SECTION III.

Returns.

officer who shall knowingly make a false
any his superior officer authorized to call
returns, of the state of the men under his
, or of arms, ammunition, clothing, or other
ereunto belonging, or of which he may
have charge, shall, upon being convicted
efore a court martial, be dismissed the

ART. I

Penalty of officer making false returns.

SECTION IV.

ertion and Absence without Leave.

cers, non-commissioned officers, and sol-
no shall be convicted of desertion, shall

ART. I.

Penalty of desertion.

suffer death, or such other punishment as by a court martial shall be awarded.

ART. II.

Penalty of enlisting without being discharged.

Any non-commissioned officer, or soldier, who shall enlist himself in any other regiment, without being discharged from his former corps, shall be reputed a deserter, and suffer accordingly.

ART. III.

Penalty of enlisting and not confining deserters.

Any officer, non-commissioned officer, or soldier, who shall knowingly enlist a deserter, or who shall upon discovering him to be such, neglect to confine a deserter, and give notice thereof to his immediate superior officer, shall, if a commissioned officer, upon conviction thereof before a court martial, be dismissed the service: if a non-commissioned officer, or soldier, he shall suffer such punishment as by a court martial shall be awarded.

ART. IV.

Penalty of persuading any one to desert.

Whatsoever officer, non-commissioned officer, or soldier, shall be convicted of having advised or persuaded any other officer or soldier to desert, shall suffer such punishment as by the sentence of a court martial shall be awarded.

ART. V.

Any [illegible] voluntarily [illegible] rendering himself [illegible] a deserter [illegible] be considered [illegible]

Any person who shall voluntarily surrender or deliver himself up as a deserter from any regiment or corps of the forces, or who, upon being apprehended for desertion, shall confess himself to be a deserter from any such regiment, or corps, shall be deemed to have been duly enlisted, and to be a soldier, and shall be liable to serve in any such regiment or corps as the general or other commander in chief of the forces shall think fit to appoint, and shall, furthermore, be liable to such punishment as by a court martial may be awarded.

When any officer, non-commissioned officer, or soldier, shall absent himself without leave, or shall overstay the period for which leave of absence may have been granted him, all his military allowances shall be withheld until a satisfactory explanation shall have been given; and he shall, furthermore, be liable to such additional punishment as, upon conviction thereof before a court martial, shall be awarded.

ART. VI.

Penalty of absence without leave.

SECTION V.

Of Redressing Wrongs.

If any officer, non-commissioned officer, or soldier, shall think himself wronged, and upon due application made to the commanding officer of the regiment, shall be refused redress, he may complain to the general commanding the division, or the general or other commander in chief of the forces: but, if upon examination, the complaint shall appear to be vexatious and groundless, the person so appealing shall be punished at the discretion of a court martial.

ART. [illegible]

What an officer or soldier must do if he thinks himself wronged.

SECTION VI.

Of Stores, Ammunition, &c.

Whatsoever commissioned officer shall be convicted at a court martial of selling, misapplying, or wilfully destroying, any military stores, provisions, or other articles the property of the Company, shall be fined to the extent of the loss or [illegible]ce, and shall furthermore be dismissed from the

ART. I.

Penalty on officers selling, misapplying or wilfully destroying military stores.

[illegible]soever non-commissioned officer, or soldier, [illegible] convicted at a court martial of having sold, [illegible]dly wasted, the ammunition delivered out

ART. II.

Penalty of selling or wasting ammunition.

to him, shall be punished at the discretion of such court martial. A non-commissioned officer so offending shall also be reduced to the ranks.

ART. III.

Penalty on selling or spoiling arms, &c.

Every non-commissioned officer, or soldier, who shall be convicted at a court martial, of having sold, lost, or wilfully, or through neglect, spoiled his horse, arms, clothes, accoutrements, or regimental necessaries, shall undergo such monthly stoppages, (not exceeding the half of his pay and allowances,) as such court martial shall judge sufficient to replace the loss; and shall besides suffer such corporal or other punishment as the said court martial may award.

ART. IV.

Penalty on commissioned officers embezzling or misapplying public monies.

If any commissioned officer shall embezzle, or misapply, any monies with which he may have been entrusted on the public account, and shall thereof be convicted by a court martial, he shall be dismissed the service, and shall forfeit the arrears of pay and allowances due to him, or so much thereof as may be sufficient to make good the loss.

ART. V.

Penalty on non-commissioned officers embezzling or misapplying public monies.

Every non-commissioned officer, who shall be convicted by a court martial of having embezzled, or misapplied, any monies entrusted to him on the public account, shall be reduced to serve in the ranks as a private soldier, and be put under stoppages (not exceeding the half of his pay and allowances,) until the money embezzled or misapplied by him be made good, and suffer such corporal or other punishment as by a court martial shall be awarded.

SECTION VII.

Of Duties in Garrison, in Cantonment or in the Field.

ART. I.

Penalty of spoiling property.

All officers, non-commissioned officers, and soldiers, are to behave themselves orderly in quarters, and on the march, and whoever shall, without authority, commit any waste or spoil, either in houses, gardens, fields, or in topes, tanks, choultries, or places of worship of any description whatsoever, the property of the Company or of the inhabitants, or shall maliciously destroy or injure any property whatsoever belonging to the inhabitants of the country, he or they that shall be found guilty of offending herein, shall be punished according to the nature and degree of the offence, by the judgment of a court martial.

ART. II.

Penalty of exacting carriage, porterage, provisions or money.

[illegible]soever commissioned officer shall, on any [illegible] whatsoever, without authority, exact from [illegible] or others, carriage, porterage, provisions, [illegible]ey, shall, upon conviction thereof before a [illegible] artial, be dismissed the service, and fined to [illegible]ount exacted; any non-commissioned officer [illegible]er so offending shall, upon conviction thereof [illegible] court martial, undergo such monthly stop- [illegible] not exceeding the half of his pay and allow- [illegible]s may equal the amount exacted, and shall, [illegible]ore, suffer such corporal or other punish- [illegible] by the said court martial shall be awarded. [illegible] commissioned officer so offending shall also be [illegible] to the ranks.

[illegible] however expressly to be understood that the [illegible]ons of this article are in no sort to impede

such authorized mode of requisition for supplies and carriage as may from time to time be promulgated by Government.

ART. III.

Penalty of being found out of camp without leave.

All non-commissioned officers and soldiers who shall be found one english mile out of camp, or beyond sound of drum or trumpet, without leave, shall suffer such punishment as by the sentence of a court martial shall be awarded.

ART. IV.

Penalty of lying out of camp.

No officer, non-commissioned officer, or soldier, shall lie out of camp, without leave, upon pain of being punished, according to the circumstances and degree of his offence, by the sentence of a court martial.

ART. V.

Penalty of not repairing at the time fixed to the parade or other place of duty or of quitting the same without being dismissed or relieved.

No officer, non-commissioned officer, or soldier, shall fail to repair, at the time fixed, to the place of parade, exercise, or other duty appointed by the commanding officer, if not prevented by sickness, or some other evident necessity; or shall quit the same without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished, according to the circumstances and degree of his offence, by the judgment of a court martial.

ART. VI.

Penalty if an officer, or soldier, shall quit his platoon or division.

Any officer, non-commissioned officer, or soldier, who shall, without urgent necessity, or without leave of his superior officer, upon parade or the march, quit his platoon or division, shall be punished, according to the circumstances and degree of his offence, by the judgment of a court martial.

ART. VII.

Penalty of drunkenness.

Whatsoever commissioned officer shall be found drunk on his guard, party, or other duty, shall, upon being convicted thereof before a court martial, be dismissed the service; any non-commissioned officer, or soldier, so offending, shall suffer such corporal or other punishment as by a court martial shall be awarded.

ART. VIII.

Penalty if a centinel be found sleeping on his post, or quitting it before relieved.

Whatever centinel shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as by a court martial shall be awarded.

ART. IX.

Penalty of doing violence to any person who brings provisions to the camp or quarters.

Whatsoever officer, non-commissioned officer, or [illegible], shall do violence to any person who brings [illegible]ions, or other necessaries, to the camp, or [illegible]rs of the forces employed against the enemy; [illegible] if convicted thereof, suffer death, or be [illegible]ed according to the degree and nature of his [illegible], by the judgment of a court martial.

ART. X.

Penalty of forcing a safe-guard.

[illegible]osoever of the forces employed against the [illegible] shall force a safe-guard, and shall be con[illegible] thereof by a court martial, shall suffer death, [illegible] other punishment as by such court shall be [illegible]d.

ART. XI.

Penalty of making known the watch-word or of giving a false one.

[illegible] person belonging to the forces employed [illegible] the enemy, who shall make known the watch[illegible] any person who is not entitled to receive it, [illegible]ll wilfully give a watch-word different from [illegible] he received, shall suffer death, or such other [illegible]ment as by a court martial shall be awarded; [illegible]osoever shall be found guilty of such offence [illegible] times, shall be punished at the discretion of [illegible] martial.

ART. XII.

Penalty of holding correspondence with or giving intelligence to the enemy.

Whosoever shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as by a court martial shall be awarded.

ART. XIII.

Penalty of relieving, or harbouring an enemy.

Whosoever shall relieve the enemy with money, provisions or ammunition, or shall knowingly harbour, or protect an enemy, shall suffer death, or such other punishment as by a court martial shall be awarded.

ART. XIV.

Public stores to be secured for Government.

All public stores taken from the enemy shall be secured on account of the Company; and any officer, non-commissioned officer, or soldier, neglecting so to do, shall be punished according to the discretion of a court martial.

ART. XV.

Penalty of going in search of plunder.

If any officer, non-commissioned officer, or soldier, shall leave his commanding officer, or his post, or colours, to go in search of plunder, he shall, upon being convicted thereof, suffer death, or such other punishment as by a court martial shall be awarded.

ART. XVI.

Penalty of casting away arms or ammunition.

Any officer, non-commissioned officer, or soldier, employed against the enemy, who shall cast away his arms or ammunition, shall suffer death, or such other punishment as by a court martial shall be awarded; and whosoever shall be found guilty of such offence at other times, shall be punished at the discretion of a court martial.

ART. XVII.

Penalty of misbehaving before the

Whatsoever officer, non-commissioned officer, or soldier, shall misbehave himself before the enemy, or shamefully abandon, or deliver up, any garrison,

fortress, post, or guard committed to his charge, or which he shall be commanded to defend, shall suffer death, or such other punishment as by a court martial shall be awarded.

enemy, or abandoning post, &c.

ART. XVIII.

Penalty of compelling, or inducing others to misbehave before an enemy or abandon posts, &c.

Whatsoever officer, non-commissioned officer, or soldier, shall, by any means whatsoever, compel, or induce, any other person or persons to misbehave before the enemy, or shamefully to abandon, or deliver up any garrison, fortress, post or guard, committed to their charge, or which he or they shall [illegible]manded to defend, shall suffer death, or such [illegible]unishment as by a court martial shall be [illegible]d.

ART. XIX.

Penalty of being taken prisoner through willful neglect.

[illegible]on-commissioned officer or soldier who shall [illegible]n taken prisoner through willful neglect of his post, or shall have served with or in [illegible]ner have assisted the enemy, or shall not [illegible]urned as soon as possible to the service, [illegible]dJudged, by the sentence of a court martial, [illegible]feiture of the whole, or any proportion, of [illegible]ars of pay or allowances which he might [illegible] be entitled to claim for the period during [illegible] was a prisoner, and up to the date of his [illegible] the forces: and shall besides suffer corporal, [illegible] punishment, at the discretion of the said [illegible]tial.

SECTION VIII.

RANK.

ART. I.

Rank of officers.

[illegible] having commissions of a prior date to [illegible]e regiment in which they are serving, may [illegible] courts martial, and on detachments, [illegible]posed of different corps, according to the

rank given them in the dates of their former commissions; but in the regiment, troop, or company to which such officers do belong, they shall do duty and take rank, both on courts martial and detachments which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

SECTION IX.

Administration of Justice.

ART. I.

Number of officers to sit on general courts martial within the Company's territories.

A general court martial in the territories under the presidency of Fort St. George, shall not consist of less than nine commissioned officers; but, if held for the trial of a commissioned officer, shall not consist of less than thirteen commissioned officers.

And out of the Company's territories.

A general court martial held out of the territories under the presidency of Fort St. George, may consist of any number of commissioned officers not less than seven.

ART. II.

Judge advocate is to prosecute.

The judge advocate shall prosecute in the name of Government at all general courts martial.

ART. III.

An interpreter is to be attached to all general courts martial.

To all general courts martial shall be attached an european commissioned officer, as interpreter, and to him, previously to any proceedings being held before the court, shall be administered by the judge advocate the following oath.

I, A. B. do swear that I will well and truly interpret, according to the best of my skill and judgment, such matter as may be brought before this court; that I will not divulge the sentence of the court, until it shall be approved by the general or other

commander in chief of the forces, or other competent authority; neither will I, upon any account, at any time whatsoever, disclose the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, as a witness, by a court of justice or a court martial. So help me God!

ART. IV.

Oaths to be administered to members of all general courts martial.

And as soon as the said oath shall have been administered to the interpreter, he shall cause to be administered, by a competent person, the following oath to the president and each member of the court, according to the formula of his religion, respectively.

I, C. D. do swear that I will duly administer justice, according to the rules and articles of war, without partiality, favor, or affection; and if any doubt shall arise, which is not explained by the said articles of war, then according to my conscience, the best of my understanding, and the custom of war in the like cases: and I do further swear that I will not divulge the sentence of the court, until it shall be approved by the general or other commander in chief of the forces, or other competent authority; neither will I, upon any account, at any time whatsoever, disclose the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, as a witness, by a court of justice, or a court martial.

ART. V.

Judge advocate to be sworn.

When this is done, the interpreter shall administer to the judge advocate, an oath in the following words;

I, E. F. do swear that I will not, upon any ac-

count, at any time whatsoever, disclose the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, as a witness, by a court of justice, or a court martial. So help me God!

ART. VI.

Decency to be observed in courts; the youngest member to vote first.

All the members of a court martial are to behave with decency; and in the giving of their votes, are to begin with the youngest.

ART. VII.

Number of members required to concur in sentence of death.

No sentence of death shall be given against any offender by any general court martial consisting of less than thirteen members, (except the same shall be holden in a place out of the territories under the presidency of Fort St. George), nor unless nine officers present shall concur therein; and in all cases where a court martial shall consist of more officers than thirteen, and also in any place out of the aforesaid territories, when the same shall consist of a less number of officers, then such judgment shall pass by the concurrence of two-thirds at the least of the officers present.

ART. VIII.

Hours of trial.

No trials shall be carried on, excepting between the hours of six in the morning and four in the afternoon, except in cases which require an immediate example.

ART. IX.

Rules to be observed in the punishment of officers.

Whenever any commissioned officer shall be convicted before a general court martial of any offence, for which such officer may be sentenced to such punishment as may be adjudged at the discretion of the court, the court may, in all such cases, adjudge such officer to be suspended from rank, pay, and allowances, for a stated period, or to lose rank by

being placed lower on the list of the rank which such officer may hold in the army, and in the regiment, or corps, to which he may belong; and the court shall, in every such sentence of reduction of rank, specify the extent of reduction which they shall so adjudge.

sentence of a general court martial shall be put cution, till after a report shall have been made whole proceedings to the general or other mander in chief of the forces, or other authority etent to confirm the same, and until his direc- shall have been signified thereupon.

Rules [illegible] ed before [illegible] of the [illegible] general court [illegible] tial.

ART.

The commanding officers of every cantonment, detachment, or regiment, may direct the assem- of line, garrison, detachment, or regimental s martial, as the case may be, composed of the missioned officers under their command, without special warrant or other authority than these arti- of war, for inquiring into such disputes, or cri- l m[illegible] as may come before them, and for the oral or other punishments for small cy shall give judgment by the majority t no sentence shall be executed until ing officer shall have confirmed the

The commanding officer of an [illegible] direct the assem- of cantonment, [illegible] courts martial [illegible] the trial [illegible] offences.

rt martial shall consist of less than excepting in cases where that number ently be assembled, when three may

Rules [illegible] ed [illegible] mar[illegible]

ART. XVII.

h court martial shall be appointed an missioned officer to superintend and ceedings, and to prosecute in the

To every such court martial an european

officer is to be appointed to conduct the proceedings.

name of Government, in like manner as a judge advocate. Such officer, in regimental courts martial, shall, if circumstances admit, be the adjutant of the regiment.

ART. XIV. Court interpreter to be sworn.

To every such court martial shall also be nominated an European commissioned officer to officiate as interpreter, and unto him the superintending officer shall administer the following oath:

I, A. B. do swear that I will well and truly interpret, according to the best of my skill and judgment, such matter as may be brought before this court. So help me God!

ART. XV. Oath to be administered to members of court.

And as soon as the said oath shall have been administered to the interpreter, he shall cause to be administered, by a competent person, the following oath to the president, and each member of the court, according to the formula of his religion.

I, C. D. do swear that I will duly administer justice, according to the rules and articles of war, without partiality, favor or affection; and if any doubt shall arise, which is not explained by the said articles of war, then according to my conscience, the best of my understanding, and the custom of war in the like cases.

Senior officer to sit as president.

At all courts martial the senior officer shall sit as president, whether by special warrant from the general or other commander in chief of the forces, or otherwise.

All persons who give evidence before any court martial whatsoever, shall be examined on oath or solemn declaration, as the circumstances of their religion or caste may require.

ART. XVII.

Evidence to be given on oath (with exceptions.)

No commissioned officer shall be dismissed from the service, excepting by an order from the Governor in Council, or by the sentence of a general court martial, approved by some person having due authority; but non-commissioned officers may be dismissed as private soldiers, and may, by the order of the colonel of the regiment, or by the sentence of a court martial, be reduced to private sentinels.

ART. XVIII.

No commissioned officer may be dismissed the service but by order of the Governor in Council, or by a court martial.

[illegible] person whatsoever shall use menacing words, [illegible] or gestures, in the presence of a court martial [illegible] sitting, or shall cause any disorder or riot [illegible] to disturb their proceedings, on the penalty [illegible] being punished at the discretion of the said court [illegible].

ART. XIX.

The penalty of menacing words, gestures, or disturbances before a court martial.

[illegible]tsoever commissioned officer shall be guilty [illegible]ary, by wilfully and knowingly giving false [illegible]e on oath or declaration before a court martial, [illegible]all, upon conviction, be dismissed the service; [illegible]very non-commissioned officer, or soldier, so [illegible]ed shall suffer such corporal or other punish[illegible] by the sentence of a court martial may be [illegible].

ART. XX.

Penalty of perjury before a court martial.

[illegible]ever any officer, or soldier, shall commit [illegible] deserving punishment, he shall by his [illegible]ding officer be put in arrest, if an officer; [illegible] non-commissioned officer or soldier, be [illegible]ed until he shall either be tried by a court

ART. XXI.

Officers committing crimes are to be placed in arrest, and soldiers committed to custody.

martial or shall be lawfully discharged by a proper authority.

ART. XXII.

The time limited for confinement.

No officer, non-commissioned officer, or soldier, who shall be put in arrest or imprisonment, shall continue in his confinement more than eight days, or longer than such time as a court martial can be conveniently assembled.

ART. XXIII.

Officers of the guard to receive prisoners.

No officer commanding a guard shall refuse to receive or keep any prisoner committed to his charge, by any officer belonging to the forces, which officer shall at the same time deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

ART. XXIV.

The penalty if an officer release a prisoner without orders.

No officer commanding a guard shall presume to release any prisoner committed to his charge, without proper authority for so doing; nor shall he suffer any prisoner to escape, on the penalty of being punished for it by sentence of a court martial.

ART. XXV.

Report to be made of all prisoners.

Every officer to whose charge any prisoner or prisoners shall be committed is hereby required, as soon as he shall be relieved from his guard, to report thereupon their names and crimes, and by whom charged, to his superior officer, on the penalty of being punished for his neglect at the discretion of a court martial.

ART. XXVI.

The penalty if an officer break his arrest.

If any officer under arrest shall leave his confinement before he is set at liberty by the officer who confined him, or by a superior authority; he shall, upon conviction thereof before a court martial, be dismissed the service.

ART. XXVI.

Officers convicted of behaviour to be discharged.

Whatsoever commissioned officer shall be convicted, before a court martial, of behaving in a scandalous, infamous manner, such as is unbecoming the character of an officer, shall be discharged from the service; provided, however, that in every charge preferred against an officer for such scandalous or unbecoming behaviour, the fact or facts whereon the same is grounded shall be clearly specified.

SECTION X.

Effects of Deceased Officers and Soldiers.

ART. I.

How the effects of deceased officers and soldiers are disposed of.

When any commissioned officer, non-commissioned officer, or soldier, shall die or be killed in the service, and his heir or heirs shall not be present at the time, the commanding officer of the regiment or detachment shall direct an inventory to be taken of the effects he may have died possessed of, by three commissioned officers, and the said effects to be publicly sold, and the proceeds, after payment of regimental debts and funeral expences, to be deposited in the regimental chest, for payment to the heir or heirs in due course. In the event of no heir being forthcoming, the said proceeds shall, after six months, be remitted to the sub-treasurer of Government.

ART. II.

Effects of deserters.

[illegible] effects of deserters shall be applied in like [illegible] to the liquidation of their regimental debts; [illegible] remainder, if any, brought to the credit of [illegible] ment.

SECTION XI.

Raised or Serving in Dependent Settlements.

ART. I.

Troops raised [illegible]

[illegible] officers, non-commissioned officers, and sol- [illegible] any troops which are or shall be raised by

ing in settle-
s beyond sea or
out the limits of
presidency, to
verned by these
les.

the presidency of Fort St. George, and serving in any countries, settlements, or places, beyond sea, or without the limits of the said presidency, shall at all times, and in all places, when under the command of any officer having a commission from the Government of any one of the presidencies of the East India Company, be governed by these rules and articles of war, and shall be subject to be tried by courts martial, in like manner as the other native officers and soldiers of the presidency of Fort St. George.

SECTION XII.

RELATING TO THE FOREGOING ARTICLES.

ART. I.

mmissioned
to be tried
court martial
than general.

No commissioned officer shall be tried for any crime whatsoever by a court martial other than a general court martial.

ART. II.

nity of death
be awarded
court martial
than general.

No commissioned officer or soldier shall be tried for any crime involving a punishment extending to life or limb, by a court martial other than a general court martial; but all other crimes and misdemeanours shall be cognizable before minor courts martial, or otherwise, as the case may be.

ART. III.

No officer or soldier to be punished with loss of life, except in the cases so expressed in these articles.

No officer, non-commissioned officer, or soldier, shall be adjudged by the sentence of a court martial to suffer any punishment extending to life or limb, within the said Company's possessions, except for such crimes as are herein expressly declared to be so punishable within the same.

ART. IV.

Courts martial may take cognizance of

But all crimes not capital, and all disorders and neglects which officers, non-commissioned officers, and soldiers, may be guilty of, to the prejudice of

good order and military discipline, though not specified in these rules and articles, are to be taken cognizance of by courts martial, and to be punished, at their discretion, according to the nature and the degree of the offence.

offences not capital, though not mentioned in these articles.

ART. V.

Officers upon application to use their utmost endeavours to deliver over to the civil magistrate any officer, non-commissioned officer, or soldier, accused of crimes punishable by the laws and regulations of Government, and upon wilful neglect to be dismissed the service.

Whenever any officer, non-commissioned officer, or soldier, shall be accused of any crime not of a military nature, but punishable by the laws and regulations of the Government of Fort St. George, the officers of the corps or detachment, to which the person accused shall belong, are hereby required, upon application made by the competent authority, to use their utmost endeavours to deliver over such [illegible] person to the civil magistrate, and to assist [illegible]cers of justice in apprehending the person [illegible], under penalty of being dismissed the service, [illegible] conviction, by a court martial.

ART. VI.*

Courts martial may punish crimes in all places out of the Company's territories.

[illegible]henever any of the forces shall be employed [illegible] the Company's territories, all crimes and of[illegible] which may be punishable by the laws and [illegible]ions of the Government of Fort St. George [illegible] cognizable by courts martial, and punished, [illegible]g to their nature and degree, by the sentence [illegible]uch court martial: such sentence, nevertheless [illegible]be in conformity to the laws and regulations [illegible]d presidency then in force.

ART. VII.

Actions of debt against officers and soldiers if not ex[illegible]

[illegible] it further enacted, that all actions of debt [illegible]commissioned officers, non-commissioned of[illegible]ldiers or other persons amenable to these [illegible] articles, except such as may be cognizu-

* *Vide Regulation I*, 1828.

ceeding 200 rupees, are to be brought before court martial.

ble by the commissariat officer in charge of the police, shall be cognizable before line, garrison, detachment, or regimental courts martial, as the case may be, and not elsewhere: provided the value in question shall not exceed two hundred arcot rupees, and that the defendant was a person of the above description when the cause of action arose, and it shall be competent for such courts, upon finding any debt or damage due, to direct the amount of the same, if not paid forthwith, to be levied by seizure and public sale of such of the debtor's goods, saving his regimental appointments and necessaries, as may be found within the camp, garrison or cantonment, under a written order of the commanding officer grounded on the judgment of the court: and if sufficient goods shall not be found to answer the demand, then any money due to him from Government, or any sum, not exceeding the half of the pay of the debtor, shall be stopped in liquidation of the debt: and if any debtor shall not receive public pay, but shall be a servant or follower, he shall be arrested by the order of the commanding officer and imprisoned in some convenient place within the military boundaries for the space of two months, unless the debt be sooner paid.

ART. VIII.

The commander in chief may commute a sentence of death to imprisonment and hard labour.

In all cases wherein a capital punishment shall have been awarded by a court martial, it shall be lawful for the general or other commander in chief of the forces to commute the punishment aforesaid to imprisonment and hard labour as a felon, for life, or for a certain term of years, or to transportation, according to the provisions of Section CXXI of 53d Geo. III. Cap. 155, to any place beyond the seas, situated within 30 degrees north or 25 degrees south of the line.

No officer, or soldier, being acquitted or convicted before a court martial of any offence, shall be liable to be tried a second time by the same or any other court martial for the same offence.

ART. IX.

No one shall be tried a second time for the same offence.

No person shall be liable to be tried and punished for any offence against these rules and articles which shall appear to have been committed more than three years previous to the order directing the assembly of the court martial whereby he is to be tried, unless the person accused, by reason of his absenting himself or some other manifest impediment, shall not have been amenable to justice within that period; in which case, such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased.

ART. X.

No pe[illegible] liable t[illegible] commit[illegible] years [illegible] (with ex[illegible]

All officers, non-commissioned officers, soldiers, or any other persons whatsoever receiving pay or being hired in the service of the artillery, whether drivers or others; all farriers, trumpeters, and drummers; all hospital attendants, sub-assistant surgeons, and dressers; all artificers, and labourers, followers, or others serving with the army, are to be governed by these rules and articles, and subject to trial by courts martial.

ART. XI.

These rules and articles are in force with respect to persons serving with the corps of artillery, all farriers, trumpeters, and drummers; all hospital attendants, sub-assistant surgeons, and dressers, all artificers, labourers, camp followers or others serving with the army.

[illegible]ese rules and articles, being translated into [illegible]anned, are to be read once in every six [illegible] and the Sections relating to mutiny and [illegible] once in every two months, at the head of [illegible]iment, troop, or company, mustered in the [illegible] and are to be duly observed and exactly [illegible] and officers and soldiers in the service.

ART. XII.

These articles to be read entirely once in every six months and particularly once in every two months.

A. D. 1827. REGULATION VI.

A REGULATION, for explaining the provisions of Clause first, Section V, Regulation XV, 1803, and Clause fourth, Section III, Regulation VI, 1822; for making farther provisions against the offence of counterfeiting the coin; for declaring magistrates empowered to take recognizances and security for keeping the peace in certain cases; for enlarging the power granted to magistrates by Clause first, Section III, Regulation II, 1822; for modifying and amending the rules in force relating to the requisition of security for good behaviour; and for subjecting to compulsory labour persons unable to find the security required.—Passed by the Governor in Council of Fort St. George, on the 15th May 1827.

Preamble.

IT is provided by Clause first, Section V, Regulation XV, 1803, that in cases of secret theft, or larceny without open violence, the mohummudan law with the modifications of it in the existing Regulations and the rules contained in Section II of the said Regulation XV, 1803, shall govern the sentences of the courts of circuit as well as of the foujdarry udalut in any cases referred to that court. In the construction of this Clause it has been doubted whether the courts of circuit and the foujdarry udalut, in commutation of a sentence of hud under the mohummudan law in cases of theft, are competent to adjudge stripes in addition to imprison-

for the term of seven years prescribed by
XXI, Regulation VII, 1802; and it is
ary to remove all doubts on this point, and to
the competency of the said courts to adjudge
in addition to imprisonment for the prescribed
of seven years in all aggravated cases of theft.
ver the construction given to the provisions
se fourth, Section III, Regulation VI, 1822,
injuriously operated to abridge the discretion
riminal judges in proportioning punishment
in the cases therein specified, and to take
rom the magistrates and heads of district
he power intended to be left with them of
ng in petty cases of cattle-stealing, an
tion of those provisions has become neces-
It has also been deemed necessary for the
prevention of the offence of counterfeiting
declare the making, mending, buying, selling,
ng, or possessing of implements used exclu-
n coining, without lawful authority or suffi-
cause, to be a misdemeanour and to
he punishment to which persons convicted
shall be liable. Moreover the Regulations
contain no express provision empowering
ates to take personal recognizances for the
ance of the peace in their respective juris-
, nor expressly sanction the requisition of
to keep the peace, except from persons
with criminal offences, whilst the charge is
xamination; although it has been the esta-
usage to require such personal recognizance
securities for keeping the peace in
an those expressly provided for; and
eemed expedient to declare that nothing
n the existing Regulations was intended

preclude the magistrates from the exercise of a discretion so necessary to the due maintenance of the peace in their respective jurisdictions, and also to provide that the orders of the magistrates in the exercise of this discretion shall be liable to revision by the judges on circuit. Further the power vested in magistrates by Section III, Regulation II, 1822, to take from vagrants and others security for their appearance when required has been found insufficient to accomplish the object for which that power was granted, and in order effectually to restrain such persons from the practice of their evil habits it has been deemed necessary to vest magistrates with authority to require from them security for their good behaviour; and in those and other cases in which security may lawfully be demanded, it is expedient that the responsibility incurred by sureties should be defined; that the term for which persons unable to find the security required are to be imprisoned should, except in particular cases, be limited in the order requiring it; and that persons confined in default of security should be subjected under certain restrictions to compulsory labour: The Honorable the Governor in Council, therefore, for the several reasons and purposes abovementioned, has enacted the following rules:

II. It is hereby declared, in explanation of clause first, Section V, Regulation XV, 1803, that the reference therein made to the mohuhmudan law in cases of theft was not intended, and shall not be considered, to preclude the courts of circuit and the magistrates without from adjudging corporal punishment not exceeding thirty-nine stripes with a rattan in addition to imprisonment for the term of seven

years, whenever such punishment in aggravated cases of theft may appear just and proper.

judicable in aggravated cases of theft.

III. In explanation of Clause fourth, Section III, Regulation VI, 1822, it is hereby declared that nothing contained therein shall be construed to require that persons convicted before the criminal judge of any of the offences specified in that Clause shall in all cases be sentenced to a severer punishment than he is empowered to inflict under Section VII, Regulation X, 1816, or to take away from the [illegible]istrates and heads of district police the power of [illegible]shing in petty cases of cattle-stealing. But in [illegible] cases of conviction before the criminal judge [illegible]y of the offences specified in that Clause he [illegible] be competent to use his discretion in sentenc[illegible] [illegible]e offender to any punishment which he may [illegible] proper, provided that the punishment shall in [illegible]e exceed imprisonment with hard labour for [illegible]m of two years, and thirty stripes with a [illegible]; and petty cases of cattle-stealing shall be [illegible]able as heretofore by magistrates and heads [illegible]rict police like other petty thefts under the [illegible]ns of Section XXXIII, Regulation IX, [illegible]d Section IV, Regulation IV, 1821.

Clause fourth, Section III, Regulation VI, 1822, explained.

In the c[illegible] cified the [illegible] judge con[illegible] sentence t[illegible] nishment n[illegible] ing imprison[illegible] two years [illegible] stripes.

And petty cases of cattle-stealing punishable by magistrates and heads of district police.

IV. First. From and after the first day of [illegible] one thousand eight hundred and twenty-[illegible] shall be unlawful for any person subject to [illegible]ction of the courts in the provinces, except [illegible]ction or under the authority of the officers [illegible]ment, knowingly to make or mend, or to [illegible] or conceal, or to have in his possession [illegible] instrument used exclusively for coining [illegible] any stamp, or mould, or dye, or other

The making, mending, buying, selling, concealing, or having possession of implements for coining declared a punishable offence.

implement whatsoever capable of producing the exact impression, or so near a resemblance as to be mistaken for the impression of any of the gold, silver, or copper coins of the British Governments in India, or of any coin usually received as money in the British possessions in India; and it is hereby declared that every such act shall be punishable as a misdemeanour under the following rules.

Mode of procedure on charges of this nature.

Second. On receiving a charge of any of the acts mentioned in the preceding Clause, the magistrate or the head of district police shall proceed as is directed in all other cases of misdemeanour under the general Regulations; and if there shall be reasonable grounds to believe the charge well founded, he shall forward the prosecutor, the witnesses, and the accused, with all the proceedings in the case, to the criminal judge of the zillah.

Punishment for a first offence.

Third. Any person who shall be convicted before the criminal judge of any of the acts mentioned in Clause first of this Section, without shewing lawful authority or sufficient excuse for the same, shall be sentenced to imprisonment and hard labour in irons for a term not exceeding one year, for the first offence;

Punishment for a second offence.

and for a second offence, committed after his conviction of the first, he shall be sentenced to receive corporal punishment not exceeding thirty stripes with a rattan and to be imprisoned and kept to hard labour in irons for a term not exceeding eighteen months.

Punishment for a third or subsequent offence.

Fourth. For a third or any subsequent offence under this Section, the offender shall be committed for trial before the court of circuit; and on convic-

tion thereof shall be sentenced to receive corporal punishment not exceeding thirty-nine stripes with a rattan, and [illegible] ed and kept to hard labour in iron[illegible] at the discretion of the judge, [illegible] eding seven years.

V. [illegible] y declared that nothing contain[illegible] Regulations was intended or shall [illegible] preclude magistrates from taking p[illegible] nces, or security for keeping the p[illegible] t their discretion, in all cases wherein [illegible] just and necessary to require the same for the due maintenance of the peace within their respective jurisdictions; and if such recognizance is not entered into, or such security is not found, to commit the persons from whom they are demanded to jail; provided however, that when there is no conviction of an actual breach of the peace, the amount respectively of the recognizance and of the security to be demanded shall in no instance hereafter exceed the sum of two hundred rupees, and that the period for which the security is required, whether on conviction of an actual breach of the peace, or otherwise, shall in no case exceed the term of twelve months, at the expiration of which the party shall be released, if on default of security he shall have been detained in custody.

Magistrates declared competent to take recognizances or security for keeping the peace.

Provided that hereafter the amount respectively of the recognizance and security shall not exceed two hundred rupees, except on conviction of an actual breach of the peace.

And that in no case the period for which the security is required shall exceed one year.

Second. It is further provided that on petition from parties considering themselves aggrieved by the requisition of recognizances or security for keeping the peace, it shall be competent to the judge on circuit to call upon the magistrates for such explanations as may appear necessary in such cases; and on due consideration thereof to order the dis-

The proceedings in such cases open to the revision of the judge of circuit on complaint by parties aggrieved by the demand of security.

charge, or to alter the amount of the recognizance and securities, or to direct the release of the persons confined, if he shall see fit.

Magistrates competent to discharge recognizances and securities and to release persons confined in default thereof.

Third. Magistrates are hereby declared competent, at their discretion, to discharge recognizances and securities for keeping the peace taken by themselves, and to order the release of persons confined under their own order in default of entering into such recognizances, or giving such securities.

The power granted to magistrates by Clause first, Section III, Regulation II, 1822, extended to the taking of security for good behaviour from the persons therein described.

VI. First. In addition to the power granted to magistrates by Clause first, Section III, Regulation II, 1822, it shall be competent to them to require security for good behaviour from persons of the descriptions therein specified, and in default of its being given, to order such persons to be received and detained in the custody of the criminal judge.

The informations or evidence received in all these cases to be recorded by the magistrate.

Second. In all cases wherein a magistrate may require security for appearance under Clause first, Section III, Regulation II, 1822, or security for good behaviour under Clause first of this Section, he shall record the informations or evidence on which his proceeding is founded, to be transmitted to the judge on circuit, if that officer should see fit to call for them.

Provisions of Clause third, Section III, Regulation II, 1822, applicable to persons confined under this Section.

Third. The provisions of Clause third, Section III, Regulation II, 1822, shall be applicable to persons confined under Clause first of this Section.

Nature of the order to be passed by criminal courts on requiring security.

VII. First. In every instance in which security may be hereafter required, whether by the magistrates, criminal judges, the courts of circuit or the

...arry udalut, the amount of security, the number ...eties (to be fixed at the discretion of the officer ...urt requiring the security), and the period of ... for which the sureties are to be responsible ... be fixed and determined.

...econd. The amount of such security shall never ... excessive; but shall be always fixed with re... to the situation and circumstances in life of ...erson from whom it is demanded, as well as to ...ause for requiring it; and shall in all cases be ... as it would be equitable to enforce in the event ... breach of the engagement.

The amount of security to be fixed with reference to the situation in life of the party.

...ird. The period of time during which persons ... be made liable to detention in custody, on ... to furnish the security required from them, ... hereafter be specifically fixed in every instance ... in the cases hereinafter particularly men...

Period of time for the eventual detention of the party to be fixed.

...1. First. Whenever the magistrates under ...thority granted to them by Clause first, Sec... 1, Regulation II, 1822, and by Section VI of ...egulation, or the criminal judges under the ...ity vested in them by Clause first, Section ...egulation XI, 1822; may require security, they ... in all cases in which they may deem it safe so ... provide in their order for the release of the ...r at the end of a definite period, not exceed... ...elve months.

Period of detention for security in ordinary cases, under directions of the magistrate or criminal judge, not to exceed one year.

...nd. In modification of Clause second, Sec... ..., and of Clauses second and third, Section ...egulation II, 1822, it is hereby provided that

Clause second, Section III, and Clauses second and third, Section IV, Regu...

March 17, 1822, modified.

Revision of these cases by the judge of circuit not necessary except on petition by the parties.

it shall not be necessary for the judge of circuit holding the sessions to revise the proceedings of the magistrate or criminal judge in the cases referred to in the preceding Clause, except on petitions presented by the prisoners, when the judge on circuit is empowered and directed to call for the proceedings and on his own authority to annul, modify, or confirm the orders of the magistrate or the criminal judge.

Magistrates and criminal judges how to proceed when it appears unsafe to release prisoners without security at the expiration of the period above limited.

Third. In all cases in which the magistrate or the criminal judge from the evidence adduced before him shall be of opinion that the prisoner is by habit a robber, burglar, or thief, or a vender or receiver of stolen property, knowing the same to have been stolen, of a character so dangerous, desperate, or irreclaimable, as to render his release without security at the expiration of the limited period of twelve months above specified hazardous to the community, he shall record his opinion to that effect, with an order specifying the amount of security which should in his judgment be required from the prisoner, as well as the number of sureties and the period for which the sureties should be responsible for the prisoner's good behaviour.

The security required in these cases not being given before the next sessions, the proceedings therein to be laid before the judge of circuit.

Fourth. If the prisoner shall not furnish the security so required before the next sessions of the court of circuit, the whole of the proceedings shall be laid before the judge of that court, who, after examining them and requiring any further evidence which he may judge necessary, shall be competent of his own authority to pass orders on the case, either confirming, modifying, or annulling the orders of the magistrate or criminal judge as he may deem proper and equitable.

fth. In all such cases, if the judge of circuit not think it safe to direct the immediate dis- e of the prisoner, he shall fix a limited period is provisional detention in the event of his not g the security required from him, which period never exceed three years, except in the cases fied in the following Section.

The judge of circuit how to proceed in these cases.

. First. Whenever the judge on circuit, from proceedings before him in the cases referred to use fifth of the preceding Section, shall con- the prisoner to be of a character so notoriously nd dangerous as to render his release without antial security evidently unsafe and improper, ll be competent to him to order the indefinite ement of the prisoner on default of giving the ite security.

Order to be passed by the judge of circuit when the prisoner may be of a notoriously bad and dangerous character.

nd. In these cases the judge of circuit shall heless fix the amount of the security to be d from the prisoner, and shall provide in his that if the prisoner shall not be able to furnish urity required within the period of three years he date of such order, the prisoner in question be again brought up before the judge of circuit ay hold the sessions of jail delivery immedi- following the expiration of the period of three above specified, whose duty it will be, after ing the proceedings and making any further es he may judge necessary, to determine whe- e prisoner shall then be released or whether be again remanded, either on the same terms re, or on any modified terms favourable to the r.

The amount of security to be fixed, and if the security is not found within three years the prisoner to be again brought up before the judge of circuit, who will pass such orders as he sees fit in the case.

Rules to encourage respectable individuals to become sureties in these cases.

The responsibility of sureties limited to three years, when the parties are to be surrendered.

Third. With a view to encourage respectable individuals to become sureties for prisoners of the description alluded to in the foregoing Clauses of this Section, the period for which the sureties are to be responsible for the good behaviour of the individuals shall be in all cases limited to three years, subject however to the condition that the sureties, at the expiration of that period, shall be bound to deliver up the individuals to the criminal judge.

Criminal judge how to proceed when individuals are surrendered by their sureties in these cases.

Fourth. When an individual shall be surrendered by his sureties under the foregoing rule, the criminal judge shall ascertain whether the former sureties are willing again to become responsible for the future good behaviour of the prisoner for a further period not exceeding three years; and, in the event of the sureties being willing to become again responsible for the conduct of the prisoner, the criminal judge shall accept the security and release the prisoner on the same terms as before.

Mode of procedure where former sureties decline to renew their engagement in these cases, and the individual is unable to furnish other security.

Fifth. If the former sureties shall decline to become again responsible for the prisoner, and the prisoner shall be unable to furnish any other sufficient security, the criminal judge shall detain him in custody until the ensuing sessions, when the prisoner is again to be brought before the judge of circuit for such further orders as he may consider it proper to pass in the case.

Period of detention, on default of security required by the courts of circuit and foujdarry udalut, limited to three years in ordinary cases.

X. First. Whenever a judge on circuit or the court of foujdarry udalut, under the provisions of Clause sixth, Section 11, Regulation XV, 1803, may require security for the good behaviour of a prisoner, the period fixed for such prisoner's detention in cus-

tody, on failure to furnish the security required, shall not exceed three years, except in the cases specified in the following Clause.

Second. Whenever there may not be adequate proof for the prisoner's conviction of the specific offence charged, but from the evidence adduced he may appear to be of a character so notoriously bad and dangerous as to render his release without substantial security evidently unsafe and improper, the judge on circuit in cases before him, or the court of foujdarry udalut in trials referred to them, shall be competent to order the indefinite confinement of the prisoner on default of giving the security required.

The courts of circuit and foujdarry udalut competent to order the indefinite confinement of persons of notoriously bad and dangerous character on default of security.

Third. To these cases the provisions of the second and following Clauses of Section IX of this Regulation shall be applicable; but when a judge on circuit, by virtue of the authority vested in him by the latter part of Clause second of that Section, shall modify the terms of the security required to be taken under the orders of the foujdarry udalut, he shall report the same for the information of that court.

The rules contained in the second and following Clauses of Section IX of this Regulation applicable to these cases.

XI. First. The criminal judges are empowered to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for good behaviour, whether by their own orders or by those of any other person discharging the functions of a criminal judge, provided they shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

Criminal judges competent to release persons ordered by themselves to be detained on requisition of security.

Criminal judges how to proceed when in their opinion a prisoner detained on default of security required by the courts of circuit or fonjdarry udalut may be safely released without such security.

Second. Whenever a criminal judge may whatever reason, be of opinion that a prisoner fined under requisition of security for good beha by order of a court of circuit or of the fouj udalut can be safely released without such sec he shall either bring the case before the cou circuit at the next ensuing jail delivery as scribed by Clause first, Section XI, Regulation 1803, or shall make an immediate report of the with his opinion for the orders of the court may have required the prisoner to furnish se previously to his release.

On what condition sureties may be discharged from their responsibility.

XII. First. It is hereby declared that su for the peace and sureties for good behaviour at all times be discharged from further respons on delivering up to the proper magistrate or officer the persons for whom they have b responsible, and they shall not be made answ for the amount of the security bond in cases w they shall give timely information to the magi that the persons for whom they have become su have taken to bad courses, and shall use exertion in their power for the apprehension surrender of such persons.

Criminal judges to send to the magistrate lists of persons from whom they take security.

Second. Criminal judges are hereby direc transmit to the magistrates in their respective dictions lists of the persons from whom the take security for good behaviour, whether b own authority, or under directions from the of circuit or fonjdarry udalut. The lists specify the names of such persons, and o sureties, the amount of the security, and the for which it is taken.

rd. Individuals surrendered by their sureties, apprehended by the magistrate under this Sec- shall be immediately forwarded to the criminal

Persons surrendered by their sureties, or re-apprehended by the magistrate, to be sent to the criminal judge.

I. *First.* Persons confined on a requisition urity for appearance under Clause first, Sec- I, Regulation II, 1822, or on a requisition of y for good behaviour under Sections VIII, d X. of this Regulation, shall be subjected, d—ation of the criminal judge, to compul- labour, suited in kind and degree, as well as , to their caste, age, strength and other cir- nces. Provided always that persons confined Clause first, Section III, Regulation II, 1822, r Clause first, Section VIII of this Regula- shall be made to work separately from convicts, thout irons; and that no person confined by n of the courts of circuit and magistracy shall be made to work in irons, unless an that effect, to be issued only in the case of dangerous character, is contained in the directing his detention in custody on default rity.

Persons confined on default of security to be subjected to compulsory labour.

Provisos.

d. Any person apprehended in a zillah from that in which he has been accustomed , and ordered to be detained in custody on ition of security, shall be removed to the e zillah in which his usual place of residence d, on his application to that effect, for the of being enabled the more easily to furnish rity required.

Persons confined on default of security to be sent to the jail of the zillah in which they usually reside.

This Regulation, with the exception of

This Regulation when to be in force.

Section IV in respect of which a separate term is thereby fixed, shall be in force in the territories subject to the presidency of Fort St. George from the date of its promulgation.

A. D. 1827. REGULATION VII.*

A REGULATION, for constituting the office of native judge.—Passed by the Governor in Council of Fort St. George, on the 31st August 1827.

Preamble.

WHEREAS it has been deemed expedient, for the more prompt and efficient administration of justice, to establish the office of native judge; the following rules are enacted for that purpose and for defining the powers and duties of the person holding that office.

Governor in Council empowered to establish native courts to be superintended by native judges.

II. The Governor in Council is empowered, whenever he may deem it expedient, to establish in any part of the territories subject to this presidency, a native court, to be superintended by a native judge; and to subject to the jurisdiction of such native judge any part of one or more zillahs that he may deem proper.

Section II, Regulation I, 1821, applicable to native courts.—Appointment of native judges vested in Governor in Council.

III. Section II, Regulation I, 1821, shall be applicable to the courts established under this Regulation. The appointment of native judges shall rest with the Governor in Council.

* *Vide* Regulation XI, 1827.

IV. Every native judge previously to entering on the duties of his office, shall take and subscribe before the Governor in Council or before any person whom the Governor in Council may commission to administer it, a similar oath to that which is directed by Section XIII, Regulation II, 1802, to be taken and subscribed by the judges of the zillah courts, or shall subscribe a solemn declaration to the same effect.

Oath of native judge.

V. First. Clause second, Section III, and Sections IV, V, VI, VII, VIII and IX, Regulation I, 1827, are hereby declared applicable to the native courts and judges established under this Regulation, subject to the restrictions hereinafter declared—"native courts" being in every instance substituted for "auxiliary courts," and "native judges" for "assistant judges."

Clause second, Section III, and other stated Sections of Regulation I, 1827, applicable to the native courts and judges, subject to certain restrictions.

Second. Provided always that the special appeal from the decisions of sudr ameens in native courts shall lie to the judge of the zillah and not to the native judge.

VI. First. Whenever any portion of the local jurisdiction of an auxiliary court may be transferred to a native court, the assistant judge shall transfer to the native judge all suits depending before him, wherein the cause of action may have arisen, or the property in dispute may be situated within the local jurisdiction so transferred; provided however, that no suit shall be transferred to the native judge under this Clause in which any proceeding has been held beyond the filing of the pleadings and exhibits.

The assistant judge to transfer to the native judge all suits depending before him in cases stated.

Proviso.

The assistant judge competent to transfer suits in certain cases to the native judge for trial.

Second. Whenever the local jurisdictio auxiliary court may be contiguous to that of court, in suits pending or instituted in the a court, if the cause of action shall have ar the property in dispute shall be situated, parties concerned shall reside at a place, co to the borders of the limits of the local jur of the native court, and so far distant f auxiliary court as to render the attendance parties and witnesses at the latter court incon ent, it shall be competent to the assistant judg transfer such suits to the native judge; and native judge shall receive them and proceed to and decide them in the same manner as if origin instituted in his own court.

Rules to be observed in the division of pleaders fees in transferred suits.

Third. In suits transferred under the t going Clauses, the rules laid down in Clau Section VI, Regulation I, 1827, respecting sion of pleaders fees, shall be observed.

Native judge not to take cognizance of any suit, &c. in which any european officer of government or any european or american may be a party.

VII. No native judge appointed under this gulation shall receive or take cognizance of or action in which any european officer of ment or other european or any american party, all such suits arising within his jur being reserved to the cognizance of the zillah ju

Native judge not competent to receive an appeal from the decision of any european officer of government.

VIII. It shall not be competent to a native ju to receive an appeal from the decision of any e officer of government. All such appeals sh the zillah court only.

Native judge not competent to issue any precept to "a

IX. No native judge appointed under th lation shall be competent to issue any prece

collector, subordinate or assistant collector, or other european officer of Government. In all cases requiring the issue of such precept, the native judge shall transmit a brief abstract of the case to which it relates to the judge of the zillah, and shall specify what is required to be done by the collector or other european officer; and the judge of the zillah shall issue the necessary precept and transmit an attested translation of the same and of the return thereto in the language of the district to the native judge.

collector, &c. or other european officer of Government: how to proceed in such cases.

Duty of the zillah judge thereupon.

X. The recommendation of persons for the office of district moonsif within the jurisdiction of the native judge shall remain with the zillah judge.

Recommendation of persons for the office of district moonsif to remain with the zillah judge.

XI. It shall not be competent to any native judge to suspend or fine a district moonsif.

Native judge not competent to suspend or fine a district moonsif.

XII. It shall be the duty of a native judge to report to the zillah judge every instance of misconduct or neglect of duty in the district moonsifs within his jurisdiction which may come to his knowledge.

Duty of a native judge in the case of improper conduct in the district moonsifs.

XIII. It shall not be necessary that any document prepared in a native court shall be accompanied with a translation in the english language.

English translation of any document prepared in a native court not required.

XIV. Collectors, subordinate or assistant collectors, shall not in any case send persons for confinement to the native judge; but to the zillah judge or assistant judge as heretofore.

Collectors in no case to send persons for confinement to the native judge.

A. D. 1827. REGULATION VIII.

A REGULATION, for granting to native judges jurisdiction in criminal cases.—Passed by the Governor in Council of Fort St. George, on the 31st August, 1827.

Preamble.

WHEREAS the same circumstances and considerations which have led to the establishment of the office of native judge, render it expedien talso to confer upon the person holding that office authority to take cognizance of crimes and misdemeanours committed within the limits of his jurisdiction; The Governor in Council has enacted the following rules for that purpose.

Native judges to be also native criminal judges.

II. Native judges appointed under Regulation VII, 1827, shall be also native criminal judges.

Oaths of native criminal judge.

III. Every native criminal judge previously to entering on the duties of his office, shall take and subscribe before the Governor in Council or before any person whom the Governor in Council may commission to administer it, a similar oath to that which is directed by Section II, Regulation X, 1816, to be taken and subscribed by criminal judges, or shall subscribe a solemn declaration to the same effect.

Power and jurisdiction.

IV. Native criminal judges shall exercise within the limits assigned to their local jurisdiction the full power and authority of criminal judges, and in all matters relating to the discharge of their functions

shall be guided by the provisions of Regulation X, 1816, and of such other Regulations as have been or may hereafter be enacted for the guidance of criminal judges: provided always, that native criminal judges shall not have jurisdiction over any european or american.

Proviso.

V. Europeans and americans against whom there is evidence of having been concerned in any crime or misdemeanour shall be sent before the criminal judge or magistrate, as the case may require; or security shall be taken for their appearance.

Europeans and americans how to be dealt with.

VI. Magistrates shall not send persons for trial, committal or confinement to the native judge, but to the criminal judge or joint criminal judge of the zillah as heretofore.

Magistrates not to send persons for trial, &c. to the native judge.

VII. Whenever a native judge shall commit for trial before the court of circuit any person charged with an offence which is not bailable, he shall, after binding over the complainant and witnesses as directed by Clause third, Section IX, Regulation X, 1816, immediately send such person to the criminal judge of the zillah, together with all the proceedings held in his case, and a separate paper signed by himself in the following form.

Native judge how to act in cases of offence not bailable.

No.	Names of the Parties.	Abstract of the Charges and date on which they were preferred.	Date of the apprehension of offenders.	Names of the Prosecutor's witnesses.	Abstract of the examination, grounds and date of commitment for trial.	Names of Prisoners held to bail.	Names of the witnesses on the part of the Prisoners.

These papers shall be translated in the criminal court as they arrive, into the english and persian languages, and formed into a calendar to be delivered to the judge on circuit together with the criminal judge's calendar, as prescribed by Section XIX, Regulation X, 1816.

Bail bonds, &c. taken by a native criminal judge to stipulate the appearance of the parties at the criminal court.

VIII. All bail bonds and recognizances taken by a native criminal judge under Clause third, Section IX, Regulation X, 1816, shall stipulate the appearance of the parties at the criminal court of the zillah.

The criminal judge how to proceed.

IX. The criminal judge shall proceed with respect to all persons sent or bound over to appear before him under the two preceding Sections, in the same way as respecting persons committed or held to bail or bound over by himself.

Calendars, &c. how to be forwarded and disposed of.

X. The calendars and other documents mentioned in Section XXIII, Regulation X, 1816, and Section VI, Regulation VI, 1822, and the reports and other documents prescribed in Clause second, Section IV, Regulation II, 1822, shall be sent monthly by the native criminal judge to the criminal judge of the zillah; they shall be translated [illegible] english in the criminal court of the zillah and [illegible] before the judge on circuit together with those o[illegible] criminal judge.

Documents in the native criminal judge's court not necessary to be recorded in the english language.

XI. It shall not be necessary that any compl[illegible] charge or other document whatever in the nativ[illegible] minal judge's court shall be recorded in the en[illegible] language or have a translation into any lang[illegible] annexed to it.

XII. Whenever the local jurisdiction of an auxiliary court may be contiguous to that of a native court, it shall be competent to the Governor in Council, by an order in council, to direct all prisoners committed by the native criminal judge to be sent for trial before the court of circuit either to the station of the criminal judge, or to that of the joint criminal judge; and in the latter event, such parts of Sections VII, VIII, IX and X of this Regulation as refer to the criminal judge and the criminal court of the zillah, shall be understood of the joint criminal judge and the court of the joint criminal judge respectively.

Government competent to direct prisoners committed by the native criminal judge to be tried either at the zillah station or at that of the joint criminal judge.

XIII. All persons sentenced by a native judge to more than two months imprisonment shall in like manner be sent by him to the jail of the criminal judge or joint criminal judge, as the Governor in Council may direct, for their sentences to be executed, accompanied with a paper specifying the name of the prisoner, the offence proved against him, the sentence passed upon him and the date of his being sent; and the criminal judge or joint criminal judge, as the case may be, shall cause the sentence to be executed.

Sentences of prisoners by a native judge to more than two months imprisonment how to be carried into execution.

XIV. First. It shall be competent to the Governor in Council, by an order in council, to authorize any native criminal judge to exercise the same powers as a magistrate may now, or hereafter be empowered by any Regulation to exercise in respect of all persons sent before him by any head of police charged with offences punishable by a magistrate; and on the publication of such order in council by proclamation, heads of police shall send to the native

Government may authorize native judge to exercise the powers of magistrate.

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are themselves empowered to inflict shall not
to them adequate; together with the prosecu
witnesses.

Under certain restrictions.

Second. Provided always, that nothing
Section contained shall be construed to prev
magistrate of the district from exercising the
vested in him by the Regulations when
within the limits of the native judge's juri
or to authorize the native criminal judge to
any authority over the police except in t
specified in Regulation III, 1817.

Summons, &c. of native criminal judge how to be served.

Third. Any summons or other crimina
which a native criminal judge acting u
Section may have occasion to issue, shall
by peons of his own court; and Section
gulation IX, 1816, shall be applicable to
so employed.

Calendar, &c. to whom to be furnished.

Fourth. The calendar prescribed by S
Regulation IX, 1816, as modified by Se
Regulation IV, 1821, shall be sent month
with the reports and calendars mentione
X of this Regulation, to the criminal ju
criminal judge of the zillah, as the case
be there translated into english and lai
judge on circuit.

To be translated into english for the circuit judge.

A. D. 1827. REGULATION IX.

A REGULATION, for rescinding Regulation II, 1808, with the exception of Section XI; and for declaring the general Regulations applicable to the town and island of Seringapatam.—Passed by the Governor in Council of Fort St. George, on the 31st August 1827.

WHEREAS the town and island of Seringapatam have been incorporated with the collectorate of Coimbatore and the zillah of Salem; and whereas certain of the provisions of Regulation II, 1808, are in consequence rendered unnecessary and require to be rescinded; and whereas it is expedient that the general Regulations should be extended to the said town and island; The Governor in Council has therefore enacted this Regulation, to be in force from the date of its promulgation. Preamble.

II. Sections I, II, III, IV, V, VI, VII, VIII, IX and X, Regulation II, 1808, are hereby rescinded. Sections of Regulation II, 1808, rescinded.

III. The general Regulations of the presidency of Fort St. George, with the exceptions specified in Clause fourth, Section XI, Regulation II, 1808, shall be considered applicable to the town and island of Seringapatam. The general Regulations of this presidency, with stated exceptions, applicable to Seringapatam.

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WHEREAS the town and island of Seringapatam have been incorporated with the collectorate of Coimbatore and the zillah of Salem; and whereas certain of the provisions of Regulation II, 1808, are in consequence rendered unnecessary and require to be rescinded; and whereas it is expedient that the general Regulations should be extended to the said town and island: The Governor in Council has therefore enacted this Regulation, to be in force from the date of its promulgation. Preamble.

II. Sections I, II, III, IV, V, VI, VII, VIII, IX and X, Regulation II, 1808, are hereby rescinded. Sections of Regulation II, 1808, rescinded.

III. The general Regulations of the presidency of Fort St. George, with the exceptions specified in Clause fourth, Section XI, Regulation II, 1808, shall be considered applicable to the town and island of Seringapatam. The general Regulations of this presidency, with stated exceptions, applicable to Seringapatam.

A. D. 1827. REGULATION X.

A REGULATION, for the gradual introduction of trial by jury into the criminal judicature of the territories subject to the presidency of Fort St. George.—Passed by the Governor in Council, on the 11th September 1827.

Preamble.

WHEREAS the more extended employment of the natives of India in the administration of criminal justice to their countrymen is calculated very materially to facilitate the tracing of facts from evidence, and to shorten criminal trials by dispensing with the record of much which is at present required to be reduced into writing in several languages, as well as to raise the character of the people; and whereas it has been deemed expedient, for this end, to introduce gradually into the criminal judicature of the territories subject to this presidency the advantages of trial by jury, under such modifications as are best adapted to the local circumstances of these several provinces respectively: The Governor in Council has therefore been pleased to pass this Regulation, to be in force from and after the date of its promulgation.

The Governor in Council may authorize trials by jury.

II. First. It shall be competent to the Governor in Council, by an order of council, to authorize any judge of circuit about to hold the quarterly or half yearly jail deliveries to cause juries to be assembled for the trial of all criminal cases that may be brought before him.

Second. The judges so authorized shall have liberty to try any particular case under the Regulations heretofore in force, and not by a jury, recording their reasons in the calendar for the information of the foujdarry adalut.

Judges authorized to try by jury may yet try by the former Regulations.

III. All established native residents in every zillah, of the hindoo or mahomedan persuasion, of reputed intelligence, respectability and consideration, and between 25 and 60 years of age, shall be eligible to serve on juries.

Qualifications of jurors.

IV. First. The following descriptions of persons are exempted from serving on juries.

Persons exempted.

Persons afflicted with diseases which confine them to their homes.

Zemindars and jagheerdars of superior rank.

Ascetics and persons who, by habit or religious vows, have relinquished the practice of going forth into public and engaging in worldly concerns.

Persons devoted to the service of religious offices, such as peers, faqeers, gooroos, and other priests.

Persons who openly and constantly practice the profession of physic.

The law officers, vakeels, and officers and servants of the courts.

The servants of the revenue department of the zillah.

All soobadars and other commissioned officers, and all other persons in the military service of Government.

Second. It shall be competent to the Governor in Council, by an order of council, to declare any other description of persons or any individuals exempt.

The Governor in Council may declare others exempted.

on a representation from any of the courts in the provinces, through the fonjdarry udalut.

Persons qualified to be jurors to be registered.

V. Lists shall be taken periodically by the officers of government, who shall be appointed for the purpose under the orders of the Governor in Council, of all persons within their respective jurisdictions qualified as described in Section III; and not exempted. These lists shall be transmitted to the criminal judge and formed into one general register for the whole zillah, to be kept in the criminal court and renewed periodically. In this register shall be entered in a separate column the date on which each individual was last summoned to serve on a jury.

Errors in registering how to be appealed against.

VI. First. Any person who may consider himself unjustly excluded from these lists, or included when he ought to be exempted, may appeal from such exclusion or inclusion in any stage of the measures for forming the register, to the officer who formed the original list, and that officer shall receive and forward it, with his opinion thereon, to the next superior authority; who shall recommend the inclusion or exclusion of the appellant's name according to the best of his judgment.

Penalty for not receiving and forwarding such appeals.

Second. Any native officer refusing or neglecting to receive or forward such an appeal shall, on proof thereof before the criminal judge, be fined in a sum not exceeding 20 rupees.

Final decision thereon.

Third. The criminal judge shall include or exclude the name, according as in his judgment the appellant may or may not have established his right

to be included or exempted; and the criminal judge's decision shall be final.

VII. First. When a circuit judge shall be authorized to hold trials by jury, he shall issue a precept to the criminal judge of each zillah, at least 20 days previous to the probable day of opening the sessions, therein requiring him to assemble a sufficient number of jurors.

Precept to be issued by the circuit judge for summoning jurors.

Second. The number to be summoned shall be fixed by the criminal judge; it shall not be less than 30 nor more than 72, unless the permission of the judge on circuit be first obtained.

Number to be summoned.

VIII. Immediately on receipt of the circuit judge's precept, the criminal judge shall take by lot the names of the intended number of jurors: but in drawing the lots, he shall exclude the names of all persons who have been summoned to serve on a jury at any time within two years, unless the required number cannot be otherwise obtained, than by including them, so that no man, except in case of necessity, shall be summoned to serve on a jury oftener than once in two years.

Jurors how to be chosen.

IX. The criminal judge shall issue a summons to each person whose name is drawn, so that the summons shall reach his registered place of abode four days at least before it will be necessary for him to set out in order to reach the court by the appointed time, travelling 15 miles each day.

Summonses how to be issued.

X. Every person on receiving a summons shall endorse or cause to be endorsed upon it his name and

Summonses how to be received.

the date on which he received it, and the summons shall be returned to the criminal judge.

Excuses may be admitted for non-attendance.

XI. The criminal judge shall have power to admit a sufficient excuse, such as sickness, death of a relation, family ceremony, &c. for non-attendance, if returned with the summons.

Allowance to the jurors who attend.

XII. First. Each juror who attends shall be entitled to receive one rupee a day for his expenses, from the day on which his attendance is required in the summons to the day on which he is discharged inclusive, and for as many days besides as his journey from home and back again may last, supposing him to travel 15 miles a day.

How to be paid.

Second. The payment for the number of days allowed for his journey to the court shall be receivable on the day of the juror's arrival at the court; the allowance for each day till his discharge, daily or otherwise, according as each may apply for it; and the allowance for his return home, on the day of his discharge.

Jurors not attending or withdrawing themselves how to be dealt with.

XIII. First. When the sessions are opened the names of the jurors summoned and not excused shall be called over; and every juror duly summoned who shall not answer to his name, and every juror who shall withdraw himself without the permission of the presiding judge on circuit, shall be fined by the criminal judge in a sum not exceeding 20 rupees; unless he shall shew good and unavoidable cause for his non-appearance or withdrawal to the satisfaction of the criminal judge.

Second. Any juror summoned who shall appear not to have attended, or to have withdrawn, through contumacy or contempt, shall be fined in a sum not exceeding ten times the amount specified in the preceding Clause.

Jurors not attending or withdrawing through contumacy or contempt how to be dealt with.

Third. Any juror who has been fined under either of the two preceding Clauses may appeal against such fine to the presiding judge on circuit, and the presiding judge shall confirm, remit or modify the fine, as he may judge right.

Appeal to lie from the penalties for non-attendance or withdrawal.

XIV. The jury for the trial of each prisoner shall consist of not less than eight nor more than twelve jurors: who shall be chosen by lot out of the whole number in attendance.

Jury for a trial how to be constituted.

XV. When the appointed number is chosen, their names shall be called; and they shall answer to their names in open court in the presence of the prisoner and prosecutor.

To answer to their names.

XVI. The prisoner and the prosecutor shall be each allowed to challenge any number of jurors for cause shewn; the court shall judge of the sufficiency of the cause, and according to their judgment retain the jurors challenged, or choose by lot others in their room.

Challenges for cause.

XVII. The prisoner shall be allowed five peremptory challenges.

Peremptory challenges.

XVIII. When the jury is completed, they shall choose one of their number to be their foreman.

Foreman to be chosen.

Oath or solemn declaration to be taken.

XIX. Each juror shall take an oath or make a solemn declaration that he will well and truly try the accused and give a true verdict according to the evidence and his own conscience.

Rules respecting recording the evidence.

XX. It shall not be requisite to reduce any of the evidence into the persian language. In trials not referrible to the foujdarry udalut, the presiding judge may dispense altogether with written depositions; and in lieu thereof, place upon record his own notes of the evidence: in cases referrible to the court of foujdarry udalut the evidence, for the present, shall be taken down in the current language of the district; but a discretion is hereby vested in that court to dispense therewith, and to admit, in lieu thereof, the notes of the presiding judge of circuit whenever they shall deem the same to be expedient.

Power of the jury to question witnesses.

XXI. After the examination in chief and cross examination of each witness, every juror shall have full liberty to put to him whatever questions may be required for the satisfaction of his own mind; but the presiding judge shall have authority to prevent unfair or leading questions being put.

Rules respecting competency of witnesses.

XXII. The religious persuasion, official situation, or sex of witnesses, shall be no bar to their competence. If any other question arises as to the competency of a witness, it shall be decided by the presiding judge of circuit, who in cases of difficulty may refer to the court of foujdarry udalut, by whose orders he shall be guided.

Rule respecting pre-

XXIII. No part of the previous proceedings

held before the police officers, the magistrate, or the criminal judge, shall ever be made known to the jury previously to the trial. But this prohibition is not to prevent confessions of prisoners from being read in evidence, when duly proved to have been voluntarily given.

vious examinations and confessions.

XXIV. After the conclusion of the evidence on both sides, the presiding judge on circuit shall make such remarks to the jury as circumstances may require respecting the nature of the evidence, and any points of law involved in the case, avoiding all matter calculated to bias the jury.

Judge's charge to the jury.

XXV. The jury shall then declare their verdict; or, if they desire to consult together privately before they deliver their verdict, they shall be permitted to retire to a convenient room adjoining the court, where no person shall be allowed access to them; and they shall not be allowed to separate till they have given their verdict.

Declaration of the verdict.

XXVI. The verdict shall always specify how many of the jury concur in it and how many not; the crime of which the prisoner is convicted; and, in cases of larceny, the value of the property stolen.

What the verdict is to specify.

XXVII. Should the judge of circuit consider the verdict not sufficiently specific either with reference to the value of property stolen, to any aggravation, or other peculiar circumstances charged in the indictment which under the Regulations, or mahomedan law, would affect the sentence to be pronounced; or should he deem the verdict otherwise defective, objectionable, or contrary to the

Mode of proceeding in case the judge disapprove the verdict.

evidence, he shall remand the jury to amend their verdict, first explaining his reasons for objecting to it. But if the jury persist in their verdict, it shall be conclusive, unless a new trial shall be ordered under Section XXIX.

Verdict to be recorded.

XXVIII. When the verdict is delivered, it shall be immediately recorded and read over to the jury in open court, that it's correctness may be ascertained.

Mode of proceeding in case of a verdict contrary to the evidence being persisted in.

XXIX. If in any case the presiding judge of circuit shall be of opinion that the jury have returned a verdict contrary to the evidence, and the jury after being remanded persist in their verdict, the presiding judge shall transmit an english translation of the proceedings held, or an authenticated copy of his own notes, according as the depositions may or may not have been recorded, to the fonjdarry adalut: and that court shall have power, provided they concur in his opinion, to order a new trial. The verdict of the second jury shall in all cases be final.

Majority necessary for conviction.

XXX. Unless three-fourths of the jury concur in finding the prisoner guilty, the verdict shall be accounted an acquittal.

Mode of proceeding on a verdict of acquittal.

XXXI. In all cases of acquittal the prisoner shall be immediately discharged, unless the presiding judge of circuit, under the general Regulations, should deem it proper to hold him to security for good behaviour; or should be of opinion that a new trial is requisite for the ends of justice, in which case he must proceed as directed in Section XXIX.

XXXII. First. When a verdict of guilty is recorded, the presiding judge shall either pass sentence himself, or refer or report the trial to the foujdarry udalut according to the Regulations now in force, and the nature of the case. When he shall refer a trial, he shall send to the foujdarry udalut an english translation of the proceedings, or, with their sanction, an authenticated copy of his notes thereon. On trials so referred or reported, the foujdarry udalut shall pass sentence according to the Regulations now in force; provided that it shall not be competent to the foujdarry udalut to remit altogether the punishment of any crime of which a prisoner has been found guilty by a jury, except in the case specified in Section XXXIV.

Mode of proceeding on a verdict of conviction.

Second. If on the face of the proceedings or report the foujdarry udalut shall see grounds to consider the conviction not warranted by the evidence, they shall have power to direct a new trial, the verdict in which shall be final.

Powers of foujdarry udalut in trials referred or reported in case of conviction contrary to evidence.

XXXIII. It shall not be necessary for either the judge on circuit or the foujdarry udalut to require the futwah of their law officers as to the guilt of any prisoner, that being established by the verdict of the jury.

Futwahs of law officers to be dispensed with.

XXXIV. Juries after finding a prisoner guilty may recommend him to mercy, explaining their reasons for so doing; and the presiding judge, if he concurs in their recommendation, shall forward it without delay to the foujdarry udalut, together with a translation in english of the proceedings held in the case or an authenticated copy of his own notes;

Power of the jury to recommend to mercy and proceedings thereon.

and the foujdarry udalut shall have power to mitigate or remit altogether the punishment, according as they shall judge right.

The Governor in Council to have power to pardon.

XXXV. The Governor in Council reserves to himself the power of granting a full pardon in any case whatsoever, on receiving are presentation from the foujdarry udalut or from the presiding judge through that court.

Protection of jurors.

XXXVI. Jurors shall be protected in the independent and fearless exercise of their functions: any one who shall maliciously assail, threaten or scandalize a juror because of his being concerned in any verdict, shall be subject to the penalty of a fine not exceeding 200 rupees or imprisonment not exceeding one year, at the discretion of the court of circuit.

Penalties of corruption in jurors.

XXXVII. Jurors shall in no case, either previously or subsequently to the verdict, receive any profit or advantage on account of the verdict they may give: any juror receiving or covenanting for any reward on account of the verdict he may give, or any person attempting to corrupt or influence a juror, shall be liable to be brought before the court of circuit, either at the prosecution of such juror or of the Government, and shall be liable on conviction to imprisonment for a year, and a fine of ten times the value or amount of the bribe offered, received or covenanted for, to be commuted, if the fine is not paid, into imprisonment for a further period of not less than one or more than five years.

A. D. 1827. REGULATION XI.

A REGULATION, for supplying certain omissions in Regulations I and VII, 1827, respecting special appeals; and for providing for the office of sudr ameen in auxiliary courts seated at the same station as provincial courts.—Passed by the Governor in Council of Fort St. George, on the 13th November 1827.

WHEREAS it is expedient that certain omissions in Regulations I and VII, 1827, respecting special appeals should be supplied; and that provision should be made for the office of sudr ameen in auxiliary courts seated at the same station as provincial courts: The Governor in Council has therefore enacted the following Regulation, to be in force from the date of its promulgation. Preamble.

II. First. Special appeals shall be admissible by the sudr adalut from decrees of provincial courts on appeals from decisions of assistant judges. Special appeals provided for in certain cases.

Second. Special appeals shall be admissible by provincial courts from decrees of zillah judges on appeals from decisions of assistant judges.

Third. Special appeals shall be admissible by zillah judges from decrees of assistant judges on appeals from decisions of sudr ameens of auxiliary courts.

Foregoing Clauses applicable to decrees of native judges.

Fourth. The foregoing Clauses of this Section shall be applicable to decrees of native judges, with the substitution in every case of decrees of native judges for decrees of assistant judges.

Office of sudr ameen in an auxiliary court at the same station with the provincial court how to be filled.

III. First. Whenever an auxiliary court is seated at the same station with the provincial court, the office of sudr ameen in the auxiliary court shall be held by the hindoo law officer of the provincial court.

Restriction on the zillah judge.

Second. It shall not be competent to the zillah judge to refer causes to the hindoo law officer of the provincial court when holding the office of sudr ameen in the auxiliary court.

Kind of the sudr ameen in such cases.

Third. Section III, Regulation II, 1823, shall not be applicable to hindoo law officers of provincial courts holding the office of sudr ameen in auxiliary courts, or to their processes.

A. D. 1828. REGULATION I.

A REGULATION, to provide for the sentences of native courts martial being carried into execution, in certain cases, at the zillah criminal and joint criminal courts.—Passed by the Governor in Council of Fort St. George, on the 8th April 1828.

Preamble.

WHEREAS it is enacted by the sixth article of Section XII, Regulation V, 1827, that "whenever any of the

"forces shall be employed out of the Company's ter-
"ritories, all crimes and offences which may be
"punishable by the laws and regulations of the Go-
"vernment of Fort St. George, shall be cognizable by
"courts martial, and punished, according to their na-
"ture and degree, by the sentence of any such court
"martial; such sentence, nevertheless, to be in con-
"formity to the laws and regulations of the said pre-
"sidency then in force;" and whereas the sentences of courts martial under the article and section aforesaid will, in many instances, be such as cannot be duly and properly carried into execution at the places at which they will be passed: Therefore the Governor in Council has enacted this Regulation, to be in force from the date of its promulgation.

In what case persons sentenced by courts martial may be sent to the civil jails to have their sentences executed.

II. Whenever any person subject to the rules and articles contained in Regulation V. 1827, shall have been sentenced by a court martial under the sixth article of Section XII of that Regulation, it shall be competent to the officer commanding the troops with which such person was serving, when sentenced, to send him to the nearest zillah criminal or joint criminal court within the territories subject to the presidency of Fort St. George, to have the whole, or part of his sentence carried into execution.

Documents to be sent with them.

III. Whenever a commanding officer shall send a convict to any criminal or joint criminal court under the preceding Section, he shall deliver to the person who is sent in charge of the convict, a copy of the confirmed sentence of the court martial, duly certified by the proper officer; and also a paper, in duplicate, in the following form:

Descriptive Roll of a Convict sent to the Criminal (or Joint Criminal) Judge of , under Regulation 1, 1828.

Name and description from the convict	Name of the place and of the ship in which he is to be conveyed.	Of what offence convicted	Type of punishment sentenced	Whether any and what part of the sentence executed	Date on which the convict set out.

A. B.
Officer Commanding.

Mode in which the prisoner is to be delivered to, and taken charge of, by the court.

IV. The person in charge of the convict shall, on his arrival at the court, deliver him over to the criminal or joint criminal judge, together with the copy of the confirmed sentence and the descriptive rolls. The judge shall receive them, whether in or out of court, and shall immediately take charge of the prisoner and cause him to be examined by the medical officer of the station, if there is one, or by the native doctor in charge of the jail, who shall certify in writing to the judge in what state the prisoner has arrived and whether he appears to have had due care taken of him on the route.

Documents how to be disposed of after the prisoner is delivered over to the civil court.

V. The judge shall deposit the copy of the confirmed sentence with the records of his court, and return the duplicate descriptive roll to the person who delivered it; having first endorsed on it, under his official signature, the date on which the prisoner was received by him and the substance of the certificate of the medi-

A. D. 1823. REGULATION III.

A Regulation, for improving the means of procuring in the courts of judicature correct expositions of the Hindoo and mahomedan laws. Passed by the Governor in Council of Fort St. George, on the 18th April, 1823.

Preamble.

WHEREAS it is expedient that the courts of judicature should have further means of procuring correct expositions of the hindoo and mahomedan law: Therefore the Governor in Council has enacted this Regulation.

Further latitude allowed to zillah judges in obtaining opinions of law officers.

II. In addition to the authority granted to zillah judges by Clause first, section XVI, Regulation III, 1802, to refer cases and questions for the opinion of the law officers of the superior courts, through the judges of those courts, they are hereby declared competent to refer cases and questions, whether arising in their own courts, or in the courts of their registers or sunder amins, or transmitted to their registers by district moonsiffs, to the law officers of any other zillah or superior court, through the judge or judges of that court; and to refer the same cases or questions to the law officers of any two or more zillah or superior courts when from any cause it may appear advisable.

A. D. 1828. REGULATION IV.

A REGULATION, for abolishing the rules which prescribe fixed rates of compensation to persons employed in translating judicial proceedings.—Passed by the Governor in Council of Fort St. George, on the 18th April 1828.

WHEREAS it is expedient that the rules which prescribe fixed rates of compensation to persons employed in translating judicial proceedings should be abolished: Therefore the Governor in Council has enacted this Regulation.

Preamble.

II. So much of Section XXXIII, Regulation IV, 1802, as fixes the rate of compensation for translation; and so much of Clause second, Section XLI, Regulation VII, 1802, as refers to the rate of compensation established by that Section, are hereby rescinded.

Rescissions of enactments prescribing rates for translations.

A. D. 1828. REGULATION V.

A REGULATION, for taking away from the courts of sudr and foujdary adalut the power of suspending judges from office in certain cases; and from the board of revenue the power of suspending from office, summoning to the presidency, and fining collectors, &c. in certain cases.—Passed by the Gover-

...ney in Council of Fort St. George, on the 18th April, 1828.

Preamble.

WHEREAS it is expedient that the power of suspending judges and collectors from office, and of summoning collectors to the presidency and there, should be exercised only under the immediate authority of the Governor in Council: Therefore this Regulation is enacted, to be in force from the date of its promulgation.

Enactments rescinded.

II. So much of Section XV, Regulation IV, 1802, and Section XIII, Regulation V, 1802, as empowers the court of sadr adalut to suspend from office zillah judges and judges of provincial courts of appeal under certain circumstances, and prescribes the proceedings to be held in consequence of such suspensions, are hereby rescinded.

III. So much of Section XXIV, Regulation VIII, 1802, as vests in the court of foujdarry adalut the same powers of suspending from office the judges of provincial and zillah courts in certain cases, as are vested in the court of sadr adalut by the enactments referred to in the last Section, is hereby rescinded.

IV. Section XXXIV, Regulation I, 1803, is hereby rescinded.

A. D. 1828. REGULATION VI.

A REGULATION, to amend the rules for computing the

periods limited for appealing; and to provide for the disposal of pleaders' fees deposited in suits struck off the files of zillah courts as being for an amount or value not cognizable by them. Passed by the Governor in Council of Fort St. George, on the 18th April 1828.

Preamble.

WHEREAS it is expedient to define more clearly the method of calculating the period during which appeals may be made from the decisions of the several courts of judicature, european and native; and to afford to parties the opportunity of becoming fully acquainted with the reasons of decrees before they determine whether they will appeal or not; whereas also it is expedient that there should be a provision for the disposal of pleaders' fees deposited by parties in suits struck off the files of zillah courts as being for an amount or value not cognizable by those courts: Therefore the Governor in Council has enacted this Regulation, to be in force from the date of its promulgation.

Rescissions.

II. Section XXX, Regulation VII, 1809; so much of Section XXVII, Regulation III, 1802, as relates to the delivery or tender of copies of decrees; and so much of Clause tenth, Section VIII, Regulation XV, 1816, as regards the date from which the periods limited for the admission of appeals of all kinds are to be calculated, are hereby rescinded.

Periods of appealing from decrees of the auda udalut, provincial courts, zillah judges and registers how to be computed.

III. The respective periods for appealing from decrees of the several european courts shall, in every case, be calculated from the date on which the transcription provided for by Clause second, Section XV, Regulation XV, 1816, is signed and certified; which

date, and also the date on which the period allowed for appealing will expire, shall, in all cases, be proclaimed in open court on the same day and certified under the signature of the register of the court in the case of decrees passed by the sudr adalut or provincial courts; and in other cases, of the judge or register who passed the decree, at the end of the translation and in the same language, and likewise in a public register in the persian and the language of the district, to be fixed up and remain in some public and conspicuous part of the court house.

Periods of appealing from decrees of native judges and sudr ameens how to be computed.

IV. Native judges and sudr ameens are hereby prohibited from giving judgment in any case before the decree is drafted; and the period limited for appealing from their decrees shall be computed from the dates on which those decrees are passed. The date on which that period will expire shall be certified at the end of the decree under the signature of the native officer who passed it; and shall be registered and proclaimed in the same manner as is directed in respect of decrees of european courts.

Deposit for pleaders fees in suits dismissed under Section IV, Regulation XII, 1809, how to be disposed of.

V. Whenever a zillah judge may dismiss a suit under Section IV, Regulation XII, 1809, and the dismissal may not be appealed from, or may be confirmed by the provincial court on a summary appeal, if any pleaders have been employed in the suit dismissed, the court passing the final order of dismissal shall have authority to adjudge to each pleader such proportion of the fee deposited on his account, not exceeding one fourth, as it may deem adequate to his labor in the cause, and to return the rest of the fee to the party who deposited it.

A. D. 1828. REGULATION VII.

A Regulation, for declaring the powers of subordinate and assistant collectors in charge of particular divisions of districts; and for facilitating proceedings under Regulation IX, 1822.—Passed by the Governor in Council of Fort St. George, on the 18th April 1828.

Whereas the efficient discharge of the functions of collectors requires that subordinate and assistant collectors should be empowered to exercise within their divisions all the powers of the collector, but subject, nevertheless, to their revision and correction; and further that collectors should have authority to refer for investigation, under certain restrictions, to their sheristadars and deputy sheristadars when absent from the huzzoor cutcherry, and also to their tahsildars within their respective tahsildaries, certain of the cases regulazable by themselves under Regulation IX, 1822; and also that petitions of appeal against judgments and orders passed under the same Regulation should be preferred within a limited time and should be finally decided upon by the board of revenue, instead of the Governor in Council as at present: Therefore the Governor in Council has enacted this Regulation, to be in force from the date of its promulgation.

Recitals.

II. Section III, Regulation III, 1828, is hereby rescinded.

Rescinded.

Any subordinate or assistant collector in charge of a particular division of a district shall exercise within the division under his charge all the powers granted to collectors by the Regulations now in force, or that may be hereafter enacted, unless the contrary shall be expressly declared in any Regulation.

Collectors may delegate, under their official signature, any of their powers to their subordinates or assistants not in charge of a particular division of a district; or to any of their subordinates or assistants in charge of a particular division, beyond the limits of the division under his charge.

Proceedings of subordinate collectors.

Third. The proceedings of subordinate and assistant collectors acting under the preceding Clauses shall be subject, in all cases, and in the fullest manner, to the superintendence, control and revision of the collector, who shall have power either to direct, generally, that the proceedings of any of his subordinates or assistants shall be regularly submitted to himself before the decision, order or sentence is carried into execution; and to confirm, modify or annul them, or issuing further orders in the cases as he may see fit; or in any particular case, to direct that the decision, order or sentence of any of his subordinates or assistants shall not be carried into execution, and to pass such further orders as he may see fit.

In what cases sheristedars, deputy sheristedars and tehsildars.

Fourth. Collectors are empowered at their discretion, to refer for investigation to their sheristadars

and amlah shiestadars, when detached from the huzzoor cutcherry, and also to their tahsildars, within their respective tahsildaries, all cases of a petty nature cognizable by themselves under Regulation IX, 1822.

may be employed in investigations under Regulation IX, 1822.

Second. Native officers employed under the preceding clause shall have the same powers as are granted to [illegible] by Clause first, Section III, Regulation IX, [illegible] but witnesses shall not be examined by them.

Rules for their guidance, when so employed.

[illegible] If any person duly summoned by them shall [illegible] as required, or attending shall refuse to give [illegible], or if any person whose evidence is required [illegible] one of the limits of the collectorate, the native officer employed shall report the circumstance to the collector, who shall proceed thereupon in the manner required by Clauses second and third, Section III, Regulation IX, 1822.

Fourth. Native officers employed under this Section [illegible] take down in writing all the evidence given before them, and shall transmit the original proceedings to the collector, who shall thereupon pass sentence, or order further evidence to be taken, if he deem it necessary; provided always, that collectors shall not have authority to pass sentence against a party convicted on an inquiry by any of the native officers above mentioned of any of the offences of the 1st, 2d or 3d class specified in Clause second, Section II, Regulation IX, 1822, adjudging him to pay a sum exceeding 50 rupees, or to impose a fine exceeding that amount upon a party convicted, on such an inquiry, of any of the offences of the 4th or 5th class specified in the same Clause and Section.

Restriction on collectors in passing sentence in such cases.

Rescinding.

V. Section XIV, and Clause First, Section XV, Regulation IX, 1822, are hereby rescinded.

Rules for appeal against decision of collector under Regulation IX, 1822.

VI. First. Whenever a person against whom a judgment or order shall have passed under the provisions of Section V, or Section VI, Regulation IX, 1822, shall conceive himself aggrieved by such decision, he shall be at liberty, at any time within three months from the date of such judgment or order, to present to the collector a petition of appeal addressed to the board of revenue, which petition the collector shall forward to the board. The petition shall be written on unstamped paper and shall state the grounds on which the petitioner deems himself aggrieved, and the relief or relief to which he considers himself entitled.

Board of revenue how to proceed on future appeals.

Second. On receipt of such petition, the board of revenue, after making such inquiry as they may judge necessary, will either direct the relief prayed for by the petitioner to be granted, or will report the case for the orders of the Governor in Council; or will summarily reject the petition by endorsement under the hand of their secretary, referring the party complaining to seek redress, if he thinks proper, in the established courts of adawlut.

How the Governor in Council will proceed in cases reported by the board of revenue.

Third. In cases reported by the board of revenue for the orders of the Governor in Council, in which it shall appear to the Governor in Council that further investigation is necessary, he will appoint one or more commissioners to revise the original proceedings, and will order the commission to sit at such place as may appear to be most convenient; and the provisions of Section XV, Regulation IX, 1822, shall be applicable to such commission.

VII. The Board of revenue are empowered to dispose of all appeals preferred under Section XIV. Regulation IX., 1822, which may be pending at the date of the promulgation of this Regulation, according to the provisions of Clause second of the preceding Section.

Board of revenue how to proceed in appeals already before them.

A. D. 1828. REGULATION VIII.

A Regulation, for abolishing the use of the rattan as an instrument of punishment; and for substituting in lieu thereof the cat-of-nine tails. Passed by the Governor in Council of Fort St. George, on the 29th April 1828.

Preamble.

Whereas it has been found that stripes with a rattan are a very unequal mode of punishment, varying with the size of the instrument and the strength of the person doing it, and occasioning serious bodily injury far beyond the intention of the law: Therefore the Governor in Council has enacted this Regulation, to be in force from the date of its promulgation.

Rattan abolished.

II. The use of the rattan, as an instrument of punishment, is hereby abolished.

Cat-of-nine tails substituted.

III. Henceforward persons who, under any Regulation heretofore in force, would have been sentenced to receive stripes with a rattan, shall, in lieu thereof, be sentenced to receive lashes with a cat-of-nine tails.

Proportion of lashes to stripes.

IV. Five lashes with a cat-of-nine tails shall be considered equivalent to one stroke of a rattan.

Cat-of-nine tails to be supplied.

V. The cat-of-nine tails to be used shall be invariably supplied from the stores of Government; and no other cat-of-nine tails shall be used but such as shall be so supplied; nor shall any additional knot be tied, nor any new material introduced, nor any alteration made in any cat-of-nine tails in use, by way of repair or on any pretence whatever; and any native officer offending herein shall be liable to be fined at the discretion of the criminal judge or magistrate, to whichsoever he may be subordinate.

No alteration to be made in it.

A. D. 1828. REGULATION IX.

A Regulation, for rescinding such parts of the existing Regulations as prescribe forms for periodical reports, calendars, registers, or other statements to be furnished by the civil or criminal courts, and require the same to be forwarded at periods specified.—Passed by the Governor in Council of Fort St. George, on the 26th December 1828.

Preamble.

Whereas the forms prescribed for several of the periodical reports, calendars, registers, and other statements, required by the Regulations to be forwarded by the civil and criminal courts, have ceased to be of use, and require to be altered; and whereas the periods at which they have been directed to be forwarded have been found inconvenient; and whereas it is deemed expedient that such matters should not be fixed by law, but should be left open to alteration as the court of sudder and foujdaree adawlut, under the orders of the

Government, may, according to circumstances, from time to time direct: The Right Honorable the Governor in Council has therefore enacted this Regulation, to be in force from the date of its promulgation.

II. Sections X, XI, XIII, XIV, XVI, XVII, XVIII, XIX, XX, XXI, XXII and XXIII, Regulation XIII of 1802; Sections XXXVI, XXXVII and XXXVIII, Regulation IV of 1816; Section XIX, Regulation V of 1816; Section XLI, Regulation VI of 1816; Section XXI, Regulation VII of 1816; Section XII, Regulation VIII of 1816; Section XXX, Regulation IX of 1816; so much of Section XL, Regulation IX of 1816, and of Sections XIX and XXIII, Regulation X of 1816, as prescribes forms for calendars; Sections XXXV, XXXVI and XXXVII, Regulation X of 1816; so much of Section XIV, and Clause fourth, Section XXVII, Regulation XI of 1816, as prescribes forms for registers and reports; Clause third, Section XXIII, Regulation XIV of 1816, and such other parts of the existing Regulations, as prescribe forms for periodical reports, calendars, registers, or other statements, to be furnished by the civil or criminal courts, european or native, or require the same to be forwarded at periods specified, are hereby rescinded.

Sections of Regulations prescribing forms for periodical reports, &c. rescinded.

III. The court of sudder and foujdarry adawlut, subject to the orders of Government, shall, from time to time, as circumstances require, prescribe the forms, and fix the periods, for the transmission of all reports, calendars, registers or other statements, to be furnished by the civil or criminal courts, european or native, under this presidency.

Their forms and periods of transmission to be fixed by the sudder and foujdarry adawlut under the orders of Government.

A. D. 1829. REGULATION I.

A Regulation, for amending the rules in f
tive to the trial of appeals; and for
securing of impartiality, in the adminis
justice.—Passed by the Governor in Counc
St. George, on the 13th January 1829.

Preamble.

WHEREAS it is considered just and ex
extend to all judicial officers, european and
prohibition imposed by Regulation III of 1
the judges [illegible] of sudder adawlut
provincial [illegible] on the trial [illegible] causes in which th
trial has t[illegible] before themselves; a
it is necess[illegible] rules for the guidan
cial office[illegible] of suits in which th
directly [illegible] interested; [illegible]
ble the [illegible] has therefore be
to enact [illegible], which shall be in
the date [illegible] publication.

No judicial officer shall try an appeal from any decision passed by himself.

II. First. In extension of the rule [illegible]
Clause second, Section II, Regulation III
is hereby enacted, that no judicial officer, [illegible]
native, shall try an appeal from a[illegible]
himself in any situation whic[illegible]
held.

Judicial officers to [illegible]

Second. In extension of [illegible]

Government, may, according to circumstances, from time to time direct: The Right Honorable the Governor in Council has therefore enacted this Regulation, to be in force from the date of its promulgation.

II. Sections X, XI, XIII, XIV, XVI, XVII, XVIII, XIX, XX, XXI, XXII and XXIII, Regulation XIII of 1802; Sections XXXVI, XXXVII and XXXVIII, Regulation IV of 1816; Section XIX, Regulation V of 1816; Section XLI, Regulation VI of 1816; Section XXI, Regulation VII of 1816; Section XII, Regulation VIII of 1816; Section XXX, Regulation IX of 1816; so much of Section XL, Regulation IX of 1816, and of Sections XIX and XXIII, Regulation X of 1816, as prescribes forms for calendars; Sections XXXV, XXXVI and XXXVII, Regulation X of 1816; so much of Section XIV, and Clause fourth, Section XXVII, Regulation XI of 1816, as prescribes forms for registers and reports; Clause third, Section XXIII, Regulation XIV of 1816, and such other parts of the existing Regulations, as prescribe forms for periodical reports, calendars, registers, or other statements, to be furnished by the civil or criminal courts, european or native, or require the same to be forwarded at periods specified, are hereby rescinded.

Sections of Regulations prescribing forms for periodical reports, &c. rescinded.

III. The court of sudder and foujdarry adawlut, subject to the orders of Government, shall, from time to time, as circumstances require, prescribe the forms, and fix the periods, for the transmission of all reports, calendars, registers or other statements, to be furnished by the civil or criminal courts, european or native, under this presidency.

Their forms and periods of transmission to be fixed by the sudder and foujdarry adawlut under the orders of Government.

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native, shall try an appeal from a
himself in any situation while
held.

Judicial officers to

Second. In extension of

II. Regulation XI. of 1809, is hereby rescinded.

Regulation XI, 1809, rescinded.

III. First. Whenever a native subject of the British Government shall be charged with murder, or homicide of any sort, robbery, house-breaking, arson, rape, or other great personal violence, counterfeiting the coin of the British Government, violent affrays, or any other serious offence, committed in any place out of the british province, and shall be found, or having been apprehended elsewhere, shall be brought, within the british territory, the magistrate or any native head of district or village police within whose jurisdiction he may be found, or brought, shall proceed respecting him in the manner prescribed in the following Clause.

Serious offences committed by native subjects of the British Government in foreign territories cognizable by the britisis officers.

Second. If such accused person shall be brought in the first instance before the magistrate, he shall make such inquiry into the charge as the circumstances of the case and the evidence attainable may admit of. Should the result of such inquiry induce the magistrate to believe the charge groundless, or the accused innocent thereof, he shall dismiss the complaint, and release the accused; but if he consider the charge well founded against the accused, he shall report his proceedings to the Governor in Council, committing the accused to safe custody, or holding him to bail, according as the nature of the charge may require. In case of bail, the form of the bail bond shall be, to appear before the magistrate on a certain day assigned (leaving time for the receipt of the orders of Government), and on such subsequent day [illegible] magistrate shall require. In case of comm[illegible] safe custody, the form of the warrant sha[illegible] orders of Government are received.

Proceedings to be held by the magistrate.

And by the native police.

Third. If such accused person shall be brought [illegible] the [illegible] head of village [illegible] d[illegible] ses be forwarded, b[illegible] t[illegible] ad of to the crimina[illegible] j[illegible] rth, Section XXVII [illegible] together with the witnesses and the proceedings held. The magistrate shall then proceed as directed in the preceding Clause.

Government can direct the accused to be tried by any of the established criminal courts.

IV. In cases referred to Government under the preceding Section, as well as in all cases of the like nature which may in any manner come before the Governor in Council, if it appear proper that the accused person should be brought to trial for the offence imputed to him, the Governor in Council shall be competent to direct that the accused person be brought to trial before any of the established courts of criminal judicature within the british provinces, which he may be pleased to appoint; and the special order of the Governor in Council for the purpose shall be deemed full and sufficient authority for the trial and punishment of such accused person, by the court so appointed, as well as by the court of foujdary adawlut, if the case be referrible to them, under the general Regulations in force.

Proceedings and sentences of such courts.

V. Whenever a native subject of the British Government shall be brought to trial before any of the established courts of criminal judicature under the provisions of this Regulation, the trial shall be conducted, and sentence thereupon passed, and carried into execution, under the general Regulations in force in like manner as if the offence had been committed within the british territories and the case subject to the ordinary jurisdiction of those courts.

A. D. 1829. REGULATION III.

A REGULATION, for establishing further rules and articles for the better government of the native officers and soldiers in the service of the East India Company under the presidency of Fort St. George.—Passed by the Governor in Council of Fort St. George, on the 13th of March 1829.

WHEREAS it is considered expedient that persons subject to trial by courts martial composed of native officers, under the rules and articles established, or which may hereafter be established, for the government of the native officers and soldiers of the army of this presidency, should have an option of being tried by general courts martial composed of european officers; and whereas it is necessary to define certain classes of persons who are to be governed by those rules and articles and subject to trial by courts martial: The Governor in Council has therefore made and established the following additional rules and articles for the government of the native officers and soldiers in the service of the East India Company under the presidency of Fort St. George, to be in force from and after their promulgation. Preamble.

SECTION II.

ART. I.

Persons subject to trial under the rules and articles for the government of the

Every native officer, soldier, or other persons subject to trial by court martial under the rules and articles established for the government of the native officers and soldiers of the army of this presidency and who may be

And by the native police.

Third. If such accused person shall be brought [illegible] the [illegible] head of village [illegible] d[illegible] cases be forwarded, [illegible] t[illegible] ead of to the criminal [illegible] j[illegible] rth, Section XXVII [illegible] B[illegible] together with the witnesses and the proceedings held. The magistrate shall then proceed as directed in the preceding Clause.

Government can direct the accused to be tried by any of the established criminal courts.

IV. In cases referred to Government under the preceding Section, as well as in all cases of the like nature which may in any manner come before the Governor in Council, if it appear proper that the accused person should be brought to trial for the offence imputed to him, the Governor in Council shall be competent to direct that the accused person be brought to trial before any of the established courts of criminal judicature within the british provinces, which he may be pleased to appoint; and the special order of the Governor in Council for the purpose shall be deemed full and sufficient authority for the trial and punishment of such accused person, by the court so appointed, as well as by the court of foujdary adawlut, if the case be referrible to them, under the general Regulations in force.

Proceedings and sentences of such courts.

V. Whenever a native subject of the British Government shall be brought to trial before any of the established courts of criminal judicature under the provisions of this Regulation, the trial shall be conducted, and sentence thereupon passed, and carried into execution, under the general Regulations in force in like manner as if the offence had been committed within the british territories and the case subject to the ordinary jurisdiction of those courts.

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native officers and soldiers may claim to be tried by a european general court martial: constitution of such court.

under orders for trial, sh[illegible] efore trial), should he think fit, have a right [illegible] be tried under th[illegible] articles by a europe[illegible] rtial; and to [illegible] der this object me[illegible] e, seven officers s[illegible] for this purpo[illegible] competent numbe[illegible] form such c[illegible] of which shall ho[illegible] under the[illegible] a subaltern of at least eig[illegible] years stand[illegible]

ART. II.

Certain descriptions of persons to be governed by the rules and articles for the native officers and soldiers; and to be subject to trial by courts martial.

All officers, non-commissioned officers or other p[illegible] sons whatsoever receiving pay, or being hired in t[illegible] artillery, engineers or pioneers; all military surveyo[illegible] draughtsmen, artificers and labourers, appertaining [illegible] the army or military arsenals; all farriers, drumm[illegible] and trumpeters; all apothecaries, assistant apothecar[illegible] dressers and hospital attendants; all sutlers, follow[illegible] and others serving with the army under whatever [illegible] nomination, are to be governed by the rules and arti[illegible] which have b[illegible] may be established for the gove[illegible] ment o[illegible] ers and soldiers in the service [illegible] the East [illegible] under the presidency of F[illegible] St. George [illegible] ject to trial by courts mart[illegible] under those [illegible]

A. D. 1829. REGULATION IV.

A REGULATION, for annulling the sunnuds-i-milke[illegible] istimrar issued for the zemindaries of Nozeed a[illegible] Ellore in the zillah of Masulipatam; and for empo[illegible] ering the Government to issue new sunnuds for [illegible] same.—Passed by the Governor in Council of F[illegible] St. George, on the 23d June 1829.

Preamble.

[illegible] as the ancient lands of Nozeed, now known by [illegible]lation of the zemindaries of Nozeed and Ellore [illegible]ly, situated in the zillah of Masulipatam, were [illegible]eld by the *Apparow* family; and whereas, [illegible] to the permanent settlement of the land reve[illegible] said lands, though never forfeited, had been [illegible] by the Government from the last incum[illegible] died leaving three sons, the eldest named [illegible] *Nursima Apparow* by his first wife, the second [illegible]*mchundra Apparow* and the third named [illegible] *Apparow*, respectively, by his second wife; [illegible]as at the period of the permanent settlement [illegible]nue payable from the said lands, the Govern[illegible]rt St. George resolved to restore them to the [illegible], without excluding any of its members there[illegible] the said third brother, though mentioned by [illegible]ters of the collector then laid before the Go[illegible] was not explicitly alluded to by the board of [illegible] the special commission who transmitted the [illegible]is existence otherwise brought in a distinct [illegible]gible manner to the notice of the Govern[illegible] the contrary, the said eldest and youngest [illegible]om similarity of name were, on that occasi[illegible]nded together by the authorities at the presi[illegible]ne and the same person; and whereas from [illegible]e, sunnuds-i-milkeut istimrar were issued, [illegible]ulation XXV, 1802, granting that portion of [illegible]ds now denominated the Ellore zemindary to [illegible]ldest brother *Vencata Nursima Apparow*, [illegible]rtion of the said lands now denominated the [illegible]mindary to the said second brother *Ramchun*[illegible]*row*, leaving the said third brother *Nursima* [illegible]totally unprovided for, and excluded from [illegible]nds, contrary to the express intention of the [illegible]nt to restore them to the family; and whereas

1802, and for declaring the legal force of
by hindoos, within the territories subject
esidency of Fort St. George, to be depen-
ity to the hindoo law, according
nt in the respective provinces
—Passed by the Governor in
eorge, on the 25th August

Preamble.

Section XVI, Regulation III,
ts regarding succession, inhe-
marriage and cast, and all religious usages
utions, the mahomedan laws with respect to
ans, and the hindoo laws with regard to
re to be considered as the general rules by
judges are to form their decisions;" and
ough wills are instruments unknown, and
made so as to be totally repugnant to the
according to the authorities prevalent within
provinces of this Government; yet Clause
said Section directs that, on the death of a
ing a will, his executors "are to take charge
te of the deceased, and proceed in the ex-
their trust according to the will of the de-
d the laws and usages of the country;" and
last enactment is at variance both with the
according to the authorities prevalent within
ries, and with the above quoted obligation
the courts to administer justice to the na-
ar matters, according to their own laws;
erefore expedient that the same should be
The Governor in Council has therefore
Regulation, to be in force from the date
ulgation.

Rescission.

II. Clause second, Section XVI, Regulation I, 1802, so far as it [illegible] hindoos, is hereby rescinded.

Rules respecting estates of hindoos dying intestate, applicable to those of hindoos dying and leaving wills.

III. The ru[illegible] in Clauses third, fourth, fifth, sixth and [illegible] Section XVI, Regulation I, 1802, respecting [illegible] of hindoos dying intestate are hereby decl[illegible] applicable to the cases of hindoos dying [illegible] wills.

Wills of hindoos to have no legal force whatever, except they be in conformity to the hindoo law.

IV. Wills left by hindoos within the territories subject to this Government shall have no legal force whatever, except so far as their contents may be in conformity with the provisions of the hindoo law, according to the authorities prevalent in the respective provinces under this presidency.

A. D. 1829. REGULATION VI.

A Regula[illegible] fying the enactments contained in S[illegible] Regulation I, 1825.—Passed by the Gove[illegible] of Fort St. George, on the 29th Aug[illegible]

Preamble.

Whereas Section VIII, Regulation I, 1825, requires the judges of circuit to refer for the sentence of the court of foujdaree adalut every trial in which the conviction of the prisoner depends exclusively or principally upon the evidence of witnesses objected to by the mahommedan law officer; and whereas the intention of that enactment will be maintained,

the administration of justice greatly accelerated, by enabling the judges of circuit to pass sentence, without reference to the [illegible] faujdaree udalut, on persons convicted [illegible] punishable by [illegible], in which [illegible] evidence by the law [illegible] certain personal exceptions [illegible] and is not founded on the insufficiency of the testimony given by them, or on other grounds separate and distinct from such personal exceptions: The Right Honorable the Governor in Council has therefore been pleased to pass this Regulation, to be in force from the date of its promulgation.

II. First. In modification of Section VIII, Regulation I, 1825, it is hereby enacted that it shall be competent to a judge of circuit to pass sentence, without reference to the court of foujdaree udalut, on all persons convicted before him of any crime by law punishable by a judge of circuit, notwithstanding any objection taken to the déponents by the law officer, provided such objection consists of any of the following personal exceptions to the witnesses or prosecutors—1st, that they are officers of police, or in the service of Government, or the persons who took the prisoner into custody; 2dly, that they are persons not of the mahommedan persuasion; 3dly, that they are prosecutors, or stand in the situation of prosecutors, from having been injured by the prisoner; 4thly, that they are women; 5thly, that they are near relations of the prosecutor; 6thly, that they are masters, servants, or slaves of the prosecutor.

Section VIII, Regulation I, 1825, modified: If the objections of the law officer consist of certain specified personal exceptions to the witnesses the trial need not be referred—in cases punishable by the court of circuit.

Second. If the law officer objects to the conviction of the prisoner on the ground of the insufficiency of the testimony itself, or on any other

If otherwise, the trial must be referred as heretofore.

ground separate and distinct from the p
tions specified in Clause first, the trial sh
to the court of foujdaree adalut, as here

A. D. 1829. REGULATION

A Regulation, for rescinding Clause third, Section IV, Regulation V, 18 viding for the enforcement of the cow custom renters.—Passed by the Gover cil of Fort St. George, on the 27 1829.

Preamble.

Whereas it was not the object of Section IV, Regulation V, 1821, to ma tory on the board of revenue to annul to renters of the customs on the infracti of the stipulations of their cowles; b authorise the revenue authorities to resu when, on breach of any important stip cowle, they should consider it necessary penalty: whereas the said enactment is l ferent construction, and it is consequen to rescind the same: and whereas the Clause third, Section IV, Regulation V, ing the cowles to be granted to rente and the moochilkas to be taken from written upon stampt paper is nu tory raising revenue, and otherw exped Honorable the Governor in Council has ed this Regulation, which shall be in fo after its promulgation.

II. Clauses second and third, Section IV, Regulation V, 1821, are hereby rescinded.

Rescission of Clauses second and third, Section IV, Regulation V, 1821.

III. Collectors [illegible] enforce the stipulations [illegible] ors' of the customs [illegible] Regulation V, 1821, [illegible] court of justice.

Collectors to have authority to enforce custom cowles.

A. D. 1829. REGULATION VIII.

A REGULATION, for the punishment of the fraudulent appropriation, or the unlawful and malicious obliteration or destruction, of judicial records: and for defining the course of proceeding to be observed, in bringing to trial persons charged with perjury, or subornation of perjury, before certain tribunals.—Passed by the Governor in Council of Fort St. George, on the 18th December 1829.

WHEREAS the public records of the courts of civil or criminal judicature, though intrinsically of little value, are of great importance to individuals: and it is necessary, for the ends of justice, to provide a specific punishment for the fraudulent appropriation, or the unlawful and malicious obliteration, or destruction of the same: and whereas doubts have arisen as to the legal steps to be taken, to bring to trial persons charged with perjury or subornation of perjury, when committed before magistrates, joint or assistant magistrates, collectors, [illegible] board [illegible] or assistant collectors, or before registrars, native judges, sudr ameens, district or village munsiffs, and district or village punchayets, [illegible] it is necessary to remove such doubts: and whereas,

Preamble.

in certain cases, the preliminary investigation of s crimes by the magistracy would often involve an un cessary and inconvenient circuity of proceeding: Right Honorable the Governor in Council has th fore been pleased to enact this Regulation, to h effect from and after the date of its promulgation.

The stealing, obliterating, injuring, or destroying, of judicial records, punishable by 7 years imprisonment, and 100 lashes.

II. First. If any person shall steal, or shall, any fraudulent purpose, take from its place of dep for the time being, or from any person having law custody thereof, or shall unlawfully and malicio obliterate, injure, or destroy, any record, pleadi decree, precept, return, process, deposition, or ot original document whatever, of or belonging to european or native tribunal, of civil or criminal ju diction, under this presidency, every such person s be liable to trial for the same before the court of cir and being convicted thereof, shall be liable to be im soned, with hard labour in irons, for a period exceeding 7 years, and to lashes with a cat-of-nine t not exceeding one hundred.

Section VIII, Regulation X, 1816, modified as regards such charges.

Second. In modification of Section VIII, Reg tion X, 1816, the criminal judge or joint criminal juc without the intervention of the magistracy, shall ha primary cognizance of all such charges, whether same are brought forward by individuals, or by european or native officers superintending the courts.

Course of proceeding in cases of perjury, or subornation of perjury, before collectors, magistrates, sub-collectors, joint magistrates, assistant collectors or magistrates, registers, na

III. First. In further modification of the pro sions contained in Section VIII, Regulation X, 18 it is hereby enacted that in all cases w any per giving evidence on oath, or under a solem declarat before a magistrate or collect joint of assit

magistrate, or a subordinate or assistant collector, or before a register, native judge, sudr ameen, district or village moonsif, or district or village punchayet, may be considered by the tribunal before which such evidence is given, to be guilty of wilful perjury, or subornation of perjury, as defined by law, the accused shall be forwarded, with the proceedings on which the charge is founded, to the criminal judge, by the tribunal before which the said proceedings may have been held, with the sentiments of that tribunal on the case; and the criminal judge shall dispose of the same under the general regulations.

tive judges, sudr ameens, moonsiffs or punchayets. Section VIII, Regulation X, 1816, modified as regards such charges.

Second. In the event of committing such cases for trial before the court of circuit, the criminal judge shall appoint the vakeel of government to conduct the prosecution before that court.

The government vakeel to prosecute in such cases.

Third. The restrictions contained in Section XXIX, Regulation IX, 1816, against the prosecution for perjury, or subornation of perjury, of witnesses or parties in the civil courts, and in Section VIII, Regulation II, 1822, against that of witnesses or prosecutors in the criminal courts, unless the officers presiding in those courts respectively shall be of opinion that grounds exist for such prosecutions, are hereby extended to all charges of perjury and subornation of perjury against witnesses or parties, or against witnesses or prosecutors, as the case may be, before any of the public officers or tribunals referred to in Clause first, unless such officers or tribunals shall be of opinion that grounds exist for such prosecution.

But no prosecution to be had in such cases, except the tribunal before which the crime is committed shall suggest the same.

END OF VOLUME SECOND.